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Committee on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Fourth periodic reports of States parties due in 2016

Argentina*, **

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** The annexes to the present document are on file with the secretariat. They are also available on the Committee's website.

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Paragraph 6

1. For some time now, case law has tended to recognize the enforceability of economic, social and cultural rights and the need for the State to take positive measures to protect such rights pending the adoption of public policies. In this regard, human rights play an important role in guiding judicial decisions through their application by federal and provincial courts both directly, when explicit reference is made to treaty rules that protect economic, social and cultural rights, and as a complement to existing constitutional norms.

2. Specialized pages on national jurisprudence are available for consultation on websites such as those of the Argentine Judicial Information System (www.saij.gob.ar) and/or the Supreme Court (www.csjn.gov.ar). In addition, examples are given below of some judgments that explicitly invoke rights consistently recognized by the International Covenant on Economic, Social and Cultural Rights.

The right to food

3. In this regard, the Supreme Court in "*Rodríguez, Karina Verónica v. the State et al. on a petition for amparo*" (2006) concluded that no violation had been committed by the State in respect of the neglect alleged by the plaintiff and her minor children since Act No. 25,724 establishing the National Nutrition and Food Programme, cited by Rodríguez, delegated the execution of the programme to the head of each province and indicated specific actions to be carried out by the municipalities. The Court found that, among other duties, the provinces were responsible for promoting food supply policies at a local level in order to ensure access for the entire population, especially vulnerable groups, and for promoting the creation of regional provision and purchase centres; while it was the task of the municipalities to enter the programme's beneficiaries in a single register of beneficiaries and to implement a resource distribution network, promoting family mealtimes in accordance with the above-mentioned Act.[1]

The right to form trade unions

4. The Supreme Court admitted the application for the reinstatement of a delegate because of the existence of discriminatory conduct by the defendant, motivated by the plaintiff's trade union activity. Article 8 (3) of the International Covenant on Economic, Social and Cultural Rights was cited as the basis for the decision.[2]

5. "The right invoked ... to represent the collective interests of municipal workers ... is unequivocally recognized by (...) the International Covenant on Economic, Social and Cultural Rights (...), rules with which the legal precept implemented by the original judge is incompatible...".[3]

Best interests of the child

6. "In respect of the parents' wish not to provide the child with the vaccines forming part of the national vaccination plan, it should be noted that the Argentine State has made international commitments, aimed at promoting and facilitating the health services required by minors, under article 12 of the International Covenant on Economic, Social and Cultural Rights (...)".[4]

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[1] http://www.mpd.gov.ar/pdf/publicaciones/jurisprudencia/Jurisprudencia%20Civil.pdf. See page 274 of the work cited.

[2] "*Orlandau Alejandro David v. DABRA S.A on a petition for amparo*". Final judgment No. 18,790, 14 August 2013. CHAMBER IX NATIONAL LABOUR COURT OF APPEAL.

[3] Supreme Court of Justice, Association of State Workers on an application for constitutional review, judgments 336: 672.

[4] Supreme Court, N.N. or U.V. on protection and guardianship of persons, judgments 335: 888.

7. "Children deserve special protection by virtue of their vulnerability, as expressly or implicitly recognized in countless international instruments (International Covenant on Economic, Social and Cultural Rights, art. 10)".[5]

Protection of the family

8. A cohabiting partner who had filed a claim was deemed to have the right to claim compensation for moral damage on the death of her partner, in accordance with article 10 of the International Covenant on Economic, Social and Cultural Rights.[6]

9. The petition for *amparo* was granted in the case of a naturalized Argentine citizen, with permanent residence status in the country, who had been denied access to the child family allowance. The Court stressed that States should adopt special protective measures for children and adolescents, citing article 10 (3) of the International Covenant on Economic, Social and Cultural Rights.[7] See the reply to the recommendation in paragraph 20 on the coverage of the universal child allowance.

Right to health

10. "From a legislative standpoint, the right to health is recognized in international treaties with constitutional status (art. 75 (22)), including article 12 (c) of the International Covenant on Economic, Social and Cultural Rights (...)".[8]

11. " ... represents a violation of the right to health, which is protected by treaties with constitutional status (...) art. 10 (2) of the International Covenant on Economic, Social and Cultural Rights (...).[9]

12. "The International Covenant on Economic, Social and Cultural Rights recognizes the right of all persons to enjoy the highest attainable standard of physical and mental health and the duty of States parties to enable that right to be exercised ... (art. (12)".[10]

13. "The International Covenant on Economic, Social and Cultural Rights recognizes the right of all persons to the enjoyment of the highest attainable standard of physical and mental health and the duty of States parties to ensure the realization of that right. Among the measures that should be adopted to guarantee that right is the creation of conditions which would assure to all medical service and medical attention in the event of sickness (art. 12 (d) of the International Covenant on Economic, Social and Cultural Rights)".[11]

Right to education

14. "The continued existence of provincial legislation that severely affects the legal system established by the State for the purpose of creating a permanent education system might cause the State to be held responsible for violating obligations under international treaties, since, under those treaties, it is States that have the power to guarantee the right to education (arts. 13 (2) of the Covenant)".[12]

15. "The right to education is enshrined in [...] article 13 of the International Covenant on Economic, Social and Cultural Rights ..."; "The right to equality of educational opportunity derives in particular from [...] the International Covenant on Economic, Social and Cultural Rights (art. 13) [...]".[13]

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[5] Supreme Court, *S.V. v. M.D.A. on precautionary measures*, judgments 324:975.

[6] *"Umaña Navarro Carmen v. M y G CONSTRUCCIONES S.R.L. on compensation for death"*. Final Judgment No. 73,845 of 15/2/2013. Chamber V, National Labour Court of Appeal.

[7] Federal Court of Appeal of Comodoro Rivadavia, *"Sugilo Arango, Teresa v. ANSES UDAI Río Gallegos* on *Amparo* Act No. 16,986", Case file No. 8297/2015.

[8] Supreme Court, *María Flavia Judith v. institute of social work of the province of Entre Ríos*. Judgments 330:4647.

[9] *T.S. v. Government of the City of Buenos Aires* on a petition for *amparo*. 3245.

[10] Campodónico de Beviacqua, Ana Carina Judgments 323:3229.

[11] *A.K.V. v. OSPE* on *Amparo* Act No. 16,986, of the Federal Court of La Plata Chamber I.

[12] Ferrer Leonard, Josefina and other Judgments 326:2637.

[13] *González de Delgado, Cristina et al. v. the National University of Córdoba*. Judgments 323:2659.

Right to work and work-related risks

16. "The provision contained in article 32 (1) of Decree-Law No. 9020/78 concerns the right to work enshrined in article 14 of the Constitution and in international conventions ... in particular ... article 6 of the International Covenant on Economic, Social and Cultural Rights."[14]

17. "The Constitution broadly recognizes the irrevocable and comprehensive right to social security benefits (article 14 bis) and that right is similarly acknowledged by human rights treaties granted constitutional status under article 75 (22) [...] including the International Covenant on Economic, Social and Cultural Rights)."[15]

Right to housing

18. "In accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, the State must progressively and insofar as its effective capacities and economic constraints allow make every possible effort to achieve the full realization of the right to decent housing for all its inhabitants".[16]

Right to a healthy environment

19. "The right to a healthy environment is enshrined in international treaties with constitutional status [...]. The relevant provision is accordingly to be found in article 12 of the Covenant on Economic, Social and Cultural Rights, adopted by resolution 2200 of the General Assembly of the United Nations on 19 December 1966".[17]

20. In July 2004, a group of neighbours residing in the Matanza-Riachuelo basin filed a complaint with the Supreme Court against the State, the province of Buenos Aires, the Autonomous City of Buenos Aires and 44 companies to obtain compensation for damages resulting from the pollution of the basin and to demand that the pollution stop and the environment be restored. The Supreme Court stated that the purpose of the action plan should be to improve the inhabitants' quality of life and required specific sanitation programmes to be adopted to meet the needs of the basin's population, leaving open the possibility of promoting the human rights issue subsequently.[18]

Paragraph 7

21. On 30 August 2016, the bicameral committee on the Ombudsman's Office was established, following the designation of its representatives by the National Congress (seven from the Senate and seven from the Chamber of Deputies).[19]

22. Several bills to amend the process for electing the Ombudsman have been drafted but have not yet been considered.[20]

23. Recently, the Supreme Court ruled on the irregular situation in which the Ombudsman's Office finds itself, "a circumstance that adversely affects access by an indeterminate number of users".[21]

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[14] *Franco, Blanca Teodora v. Province of Buenos Aires* Judgments 325:2968.

[15] *Manauta, Juan J et al. v. the Embassy of the Russian Federation*. Judgments 322:2926.

[16] *Q.C., S.Y. v. the Government of the City of Buenos Aires* (Supreme Court of Justice, 24 April 2012).

[17] C.A.C.A. and T of the Autonomous City of Buenos Aires, Chamber 1, Argentine System of Judicial Information Technology: FA06370040.

[18] *Mendoza Beatriz Silva et al. v. the State et al.* on damages (damages for pollution of the Matanza-Riachuelo River). Case file M. 1569. XL.

[19] Its members are listed on the following website: www.senado.gov.ar/parlamentario/comisiones/info/103.

[20] Case files 1295-D-2016, 2950-D-2015, 3815/15, 832/15.

[21] Case FLP 8399/2916 "*Centre for the Promotion of Equality and Solidarity et al. v. the Ministry of Energy and Mining*" on a petition for collective *amparo* proceedings.

Paragraph 8

24. Since 1994, the Constitution has explicitly recognized the right of indigenous communities to possess and own the lands they traditionally occupy and such other lands as are suitable and sufficient for human development.

25. The purpose of Act No. 26160 of 2006 and its extensions is to enable the lands traditionally owned by indigenous communities to be demarcated by the National Indigenous Communities Land Survey Programme implemented by the National Institute of Indigenous Affairs (INAI).

26. In early 2016, a significant amendment was made in respect of the National Institute of Indigenous Affairs, which, pursuant to Decree No. 12/2016, was transferred from the Ministry of Social Development to the Office of Human Rights and Cultural Pluralism.

27. This change was based on the understanding that indigenous affairs must be approached in a comprehensive manner that upholds human rights and considers members of indigenous communities to be persons with full legal personality and not as objects to be protected. Furthermore, given that there are 1,368 recognized indigenous communities, it is necessary for national and provincial bodies to work together to outline and implement long-term policies.

28. According to data provided by the National Indigenous Communities Land Survey Programme, the status of land surveys as of May 2016 is as follows:

- Provinces with surveys currently under way: Chaco and Río Negro;
- Provinces with specific agreements recently established: Jujuy and Salta;
- Provinces that will continue to carry out land surveys: Buenos Aires (Mapuche people), Chubut, Formosa, Misiones, Neuquén and Santiago del Estero;
- Provinces that will initiate land surveys: Corrientes, San Luis and La Rioja;
- Provinces with completed surveys according to the communities identified in the initial list: Buenos Aires (Toba, Guarani, Mocovi and Kolla peoples), Catamarca, Córdoba, Entre Ríos, La Pampa, Mendoza, San Juan, Santa Cruz, Santa Fe, Tierra del Fuego and Tucumán.

In short, the land survey situation at a national level is as follows:

Number of communities identified in the initial list	*Number of communities surveyed*	*Percentage of communities surveyed*
950	702	74%

29. As for the state of progress of the landownership and titling register, the number of hectares surveyed has risen to 2,983,259.[22] The lands in question are inhabited by communities of the following peoples: Qom (Toba), Mocovi, Wichi, Mapuche, Mapuche-Tehuelche, Pilaga, Kolla, Guarani, Huarpe, Mbya Guarani, Omaguaca, Atacama, Diaguita, Ranquel and Selk'nam in the provinces of Buenos Aires, Chaco, Chubut, Formosa, Jujuy, La Pampa, Mendoza, Misiones, Neuquén, Río Negro, Salta, Santa Fe, San Luis, Tierra del Fuego and Tucumán.

30. Provincial programmes for the implementation of communal ownership have also been established. Notable among these is the programme carried out in Jujuy Province in agreement with the National Institute of Indigenous Affairs, ratified by Provincial Act No. 5031, which, by means of title transfer deeds applicable to community titles, has regularized a total of 1,251,498 hectares, subject to the restrictions on ownership provided for in the Constitution. Surveys and georeferencing have been carried out to regularize an area of 482,423 hectares.

[22] Data as of July 2015.

31. In addition, lands have been identified by special provincial regulations and national and provincial expropriation bills that are currently being implemented.

32. In this regard, community lands have been identified in the provinces of Catamarca, Chaco, Chubut, Jujuy, Mendoza, Río Negro, Salta and Santa Fe, inhabited by the Mapuche, Kolla, Guarani, Wichi, Mocoví, Qom (Toba), Huarpe, Chorote, Chulupi and Tapiete peoples. The main such lands are:

- The community lands inhabited by the Los Morteritos Indian Community of the Calchaqui Diaguita People (Las Cuevas) and the community of the Kolla Atacameño Antofalla People in Catamarca Province, with a total surface area of 790,012 hectares.
- The Great Reserve of El Impenetrable Mowitob (created by Decree Nos. 480/91 and 1732/96) with a surface area of 306,800 hectares, intended for the three peoples living in Chaco province, which have formed the Mowitob non-governmental association.
- In Mendoza, Provincial Act No. 6920 recognized the ethnic and cultural pre-existence of the Huarpe Milcallac people and the expropriation of approximately 700,000 hectares of the department of General Lavalle for the benefit of the Huarpes Milcallac communities, with legal personality recognized by the National Institute of Indigenous Affairs. Under Decree No. 633/2010, progress has been made towards the awarding of 72,647 hectares to the Lagunas del Rosario community.

33. With regard to the granting of titles, it should be pointed out that case No. 12,094, concerning the Lhaka Honhat Association, is pending before the Inter-American Commission on Human Rights.

34. The State and the province of Salta have agreed to relocate and provide titles to several Creole families.

35. In early June 2016, the government of Salta accompanied technicians working on the Programme for Inclusive Rural Development on visits to former fiscal lots in order to further the progress of production projects for Creole families. In that regard, titles were granted in areas of Santa Victoria Este.

36. With regard to the demarcation of territory, an action protocol for enhancing the inspection of wire fencing in the area of former fiscal lots 14 and 55 has been implemented.

37. In addition, the framework cooperation agreement between the Ministry of Indigenous Affairs of Salta and the Ombudsman's Office in the province of Salta has led to progress being made in the provision of legal advice and free legal representation in inheritance proceedings concerning deceased joint rights holders belonging to Creole families, enabling families on low incomes and/or those unable to access public offices to have access to justice.

Paragraph 9

38. Since 2004, the National Institute of Indigenous Affairs has been operating the Community Strengthening Programme, which was created in accordance with Resolution No. 235/04. The programme, which is specifically designed to provide legal assistance and services to indigenous communities and peoples, has already been established in 12 provinces.[23]

39. This programme enabled the National Institute to fund projects and supply communities with the resources to meet the costs of various services (land measurement,

[23] Jujuy — Ocloyas people; Salta — Tastil, Wichi, Chorote, Chulupi, Guarani and Diaguita Calchaqui peoples; La Pampa — Huarpe people; Mendoza — Mapuche people; San Juan — Huarpe people; Santiago del Estero — Tonokote, Vilela, Lule Vilela and Sanavirón peoples; Tucumán — Diaguita, Diaguita Calchaqui peoples; Mendoza — Mapuche people; Neuquén — Mapuches; Corrientes — Guarani people; Buenos Aires — Mapuche people.

fees for lawyers, anthropologists, notaries). In order to publicize its work, the National Institute also supports the holding of community assemblies.

40. In 2016, the Indigenous Peoples' Advisory and Participatory Council,[24] coordinated by the Human Rights and Cultural Pluralism Secretariat, was established to draft State policies.

41. The functions of the Advisory and Participatory Council are: (a) to promote the reform of Act No. 23,302 to bring it into line with international standards; to propose draft regulations on the right to free, prior and informed consultation, in accordance with the provisions of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), and draft regulations on communal indigenous property; (b) to strengthen sociocultural identity and self-governance; (c) to encourage land surveying and management to enable communities to take effective possession of land; (d) to participate in the decision-making process for the implementation of programmes, plans and projects, aimed at the indigenous population, in the areas of education, health, gender, youth, child protection, older persons, the elderly, persons with disabilities and victim support; (e) to promote the redefining of the different areas related to policy on indigenous peoples in the various State bodies; (f) to promote measures for the protection, defence and development of the natural, genetic and biodiversity resources of the territories along with ancestral knowledge and know-how and any other subject that is important to indigenous communities.

42. The first meeting of the National Board of the Advisory and Participatory Council was attended by representatives of indigenous peoples from all parts of the country and authorities of the National Institute of Indigenous Affairs. A working agenda focused on health, intercultural education, communal ownership of land, infrastructure and increased public awareness was drawn up.

43. The province of Jujuy may be cited as an example of community participation in administrative processes relating to mining: under Decree No. 5772/2010, communities are granted three opportunities to take part in the application process for mining projects prior to the approval of the environmental impact report. The communities concerned are those holding titles to their land or whose georeferenced or surveyed applications are pending, and those identified by the Human Rights Secretariat of Jujuy as having territory within the project area.

44. As already reported to other committees,[25] the proceedings initiated before the Inter-American Commission on Human Rights (MC 404/2010), involving the Potae Napocna Navogh (The Spring) community of the Qom (Toba) people of Formosa province, may be cited as an example of good practices undertaken between communities and the State.

45. As a result of meetings held between the parties, a protocol for security and police forces operating in the jurisdiction of the community, which defines the roles of the Gendarmería Nacional and the provincial police, has been drawn up.

46. On 18 December 2012, the Supreme Court ruled on the Salinas Grandes case, in a judgment attached as annex 1, rejecting the petition for *amparo* filed against the province of Jujuy.[26] The decision of the Supreme Court, validating the precautions taken by the State, dismissed the notion that the actions taken might give rise to damage to the environment and ecosystems of the region.

Paragraph 10

47. Act No. 26,331 constitutes the legislative framework for implementing public policies on the preservation of native forest heritage with a view to ensuring that forests are transformed into a contributing factor in the strategic development of peasant and

[24] Decree No. 672/2016.

[25] International Covenant on Civil and Political Rights, fifth periodic report of Argentina, submitted in July 2015.

[26] Supreme Court of Tres Pozos Salinas Grandes.

indigenous rural communities with strong cultural and material ties to their operational dynamics.

48. The Ministry of the Environment and Sustainable Development funds plans, provides technical support to the local authorities and runs the model forest programme and the native forest and community project. The purpose of these actions is to improve forest management and increase the access of small-scale producers, including indigenous peoples, to markets and basic services in selected provinces in the north of the country.

49. Without prejudice to the additional information submitted as annex 2, a short summary is provided below.[27]

Funding plans

	No. of plans								
	With communities as rights holder								*Total No. of rights holders*
Province	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*Total*	
Neuquén				16	1	2	4	23	104
Salta	1	6	10	1		2		20	535
Santiago del Estero					3	3	4	10	597
Chubut		1	1	1	1			4	279
Chaco				3				3	1 040
Tucumán		1	1		1			3	120
Río Negro		1	1					2	161
Catamarca					1			1	133
Jujuy				1				1	83
Mendoza	1							1	57
Total per year	**2**	**9**	**13**	**22**	**7**	**7**	**8**	**68**	**3 109**

50. The table shows the number of plans for which indigenous communities are rights holders. This is an indicator of how the implementation of Act No. 26,331 enables such communities to settle on a permanent basis.

Intervention through social participation

51. Technical support was provided to the local implementing authorities to help them convene all the social actors involved in drawing up native forest planning policy and the management, exploitation and conservation plans provided for in Act No. 26,331.

52. With regard to the effective participation of indigenous communities, the report cited above identifies various activities (training, planting, parasite elimination, etc.) carried out in conjunction with the Wichi communities of the province of Formosa, the Mbya community in the province of Misiones and the Mapuche communities in the province of Chubut.

Native Forest and Community Project

53. The project involves the comprehensive management of support to Creole communities and indigenous peoples. In the case of indigenous communities, a free, prior and informed consultation, lasting five years, is undertaken in territories where work is to be carried out. The project represents an innovation in the field of planning in that it promotes the communal and participatory management of territories and enhances access to natural resources. It is planned to identify some 80 comprehensive community plans by 2016.

[27] Annex 2 is identified as the forest directorate technical report.

54. This project is expected to reach approximately 150,000 direct beneficiaries. The main groups that make up the target population include the owners of small and medium-sized forests and certain communities, mainly of indigenous and Creole origin.

55. Over three quarters of those who will benefit from the project are indigenous peoples belonging to nine different groups, including the Qom, Wichi, Mocoy, Vilela, Mbya Guarani, Ava Guarani, Tupi Guarani and Kolla peoples.

56. Plans are in place to establish a national consultation committee comprising a number of organizations linked to rural and sectoral development and funded jointly by the International Bank for Reconstruction and Development and the State.

57. In 2015, indigenous peoples in the provinces of Chaco, Salta, Jujuy, Santiago del Estero and Misiones were consulted about the comprehensive framework of the project. An information-sharing and consultation process aimed at indigenous peoples concerning the potential benefits of the instruments provided for in Act No. 26,331 was also carried out. This process was conducted in line with the policies defined by the State through Act No. 24,071 (ILO Indigenous and Tribal Peoples Convention of 1989 (No. 169)) and the methodology set out in the World Bank's Operational Policy 4.10 on Indigenous Peoples.

58. With regard to the concern expressed by the Committee on Economic, Social and Cultural Rights over the increased use of pesticide, deforestation and the enjoyment of rights guaranteed under the Covenant, note should be taken of the adoption on 1 September 2016 of Act No. 27,270 approving the Paris Agreement of December 2015, aimed at strengthening the global response to the threat of climate change in the context of sustainable development and efforts to eradicate poverty.

Paragraphs 11 and 12

59. Decree No. 55/2016 declared the National Statistical System and its governing body, the National Institute of Statistics and Censuses, to be in a state of administrative emergency, up to 31 December 2016.

60. The data produced from January 2007 to December 2015 must be treated with caution as relevant investigations have been ordered to restore the regularity of procedures for data collection and processing, the development of indicators, data dissemination and the renewed provision of reliable statistical information.

61. Results relating to various aspects of the economic, social and environmental situation and the specific situations of different groups can be consulted in accordance with the release schedule published on www.indecgov.ar.

62. In June 2016, publication of the consumer price index (IPC — Greater Buenos Aires) for May 2016 was restored.

63. With regard to the Permanent Household Survey designed to determine the sociodemographic and socioeconomic characteristics of the population, the National Institute of Statistics and Censuses is optimizing its methodological processes with a view to resuming the four quarterly operations corresponding to each annual period. In that regard, the data on poverty and extreme poverty in 31 urban areas, for the second quarter of 2016, was submitted on 28 September 2016. The full report is attached as annex 10.[28]

64. The above-mentioned publication of official indices coincided with the technical inspection carried out by the International Monetary Fund, which considered that positive steps had been taken towards restructuring the National Institute of Statistics and Censuses.

65. As it has a direct bearing on this issue, mention should be made of the fact that Act No. 27.275 on access to public information was adopted in September 2016. This Act introduces active transparency obligations, under which each sector of the State is obliged to publish accessible, free and up-to-date information on budget execution, contracting activities and sworn statements by its officials, among other data.

[28] Annex 10 is identified as the EPH (Permanent Household Survey) report, 2nd quarter, 2016.

Paragraph 13

66. All citizens without distinction have access to the legal instruments for protection of the fundamental rights provided for in the Constitution and in international human rights treaties and instruments, starting with the right to freedom of assembly and association, which constitutes the normal condition for the exercise of other rights and without which human rights defenders would face a state of generalized violence and insecurity.

67. With regard to the disproportionate use of force by the security forces, the National Directorate for Monitoring the Integrity of the Police and Security Forces was established within the Ministry of Security in accordance with administrative decision No. 421/2016 of 6 May 2016. The main aim of this directorate is to reduce, to the extent possible, the degree of arbitrariness in the rational use of force by the police and security forces and to strengthen the monitoring of possible acts of institutional violence both within the force and against the population.

68. Its primary responsibilities concern: (1) Issues related to the transparency, legality and professionalism of the security forces; (2) Recording of complaints; (3) Compliance with the civil service ethics code, the protocols and regulations of the police and security forces, and national and international regulations aimed at ensuring the transparency and professionalism of the police and security forces; (4) Managing the complaints made in respect of actions taken by the police and security forces; (5) Receiving complaints related to acts that may constitute unlawful behaviour; (6) Designing and developing operational standards and protocols for the police and security forces, relating to integrity and ethical conduct; (7) Coordinating cooperation and exchange programmes with national and international agencies relating to the transparency and professionalism of the police and security forces; (8) Implementing the recommendations made by the anti-corruption office.

69. The directorate for monitoring cases of institutional violence and crimes of federal concern also operates within the Ministry of Security. Its main functions are: (1) To advise on the comprehensive handling of judicial investigations into cases of institutional violence concerning members of the police and security forces; (2) To collaborate on projects intended to regulate the use of force in accordance with international standards; (3) To analyse information on cases and/or investigations of federal concern and work on the issue in conjunction with the judiciary and government ministries; (4) To cooperate on cases involving acts of institutional violence carried out by the police and security forces; (5) To monitor court cases in which members of the police and security forces are being investigated; (6) To systematize information relating to cases of institutional violence; (7) To develop operating standards for the police and security forces in respect of international rules on the use of force.

Paragraph 14

Legislative developments

70. The third periodic report of Argentina (E/C.12/ARG/3)[29] having referred to reports submitted to other committees, what follows is a summary of the laws adopted in the area of gender equality, economic empowerment and access to employment:

- Act No. 26.485: Comprehensive protection to prevent, punish and eradicate acts of violence against women within the scope of interpersonal relationships. (See regulations in annex 3).[30]

  This Act, promulgated on 1 April 2009, aims to promote and ensure (a) the elimination of discrimination between women and men in all spheres of life; (b) the right of women to live a life free from violence; (c) conditions serving to highlight, prevent, punish and eradicate all forms of discrimination and violence against

[29] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fARG%2f3&Lang=en.

[30] Annex 3 is identified as the regulations for Act No. 26.485.

women; (d) the development of inter-institutional public policies on violence against women; (e) the elimination of sociocultural patterns that promote and sustain gender inequality and power relations that adversely affect women; (f) access to justice for women subject to violence; (g) comprehensive support for women subject to violence through the public and private provision of programme activities for women and/or specialized services for combating violence.

- Act No. 26.727: Agricultural employment regime (see the regulations in annex 4)[31]

  This Act was promulgated on 27 December 2011. With particular reference to female workers and the need to balance family and employment responsibilities, the law grants maternity leave, including to temporary female staff, under the Employment Contract Act, and provides for thirty (30) consecutive days of paid paternity leave, which can be taken by the employee in an uninterrupted manner from forty-five (45) days prior to the expected delivery date to within twelve (12) months following the birth.

  The Act establishes the National Agricultural Labour Commission, a tripartite body that operates within the Ministry of Labour, Employment and Social Security and is responsible for providing the technical and administrative support required to apply the law. The Act provides that agricultural holdings must include places where workers' children can be cared for and kept safe.

- Act No. 26.844: Special employment contract regime for persons employed in private homes (see the regulations in annex 5).[32]

  This Act was promulgated on 3 April 2013 and is regulated by Decree No. 467/2014. Approximately one million women are employed in private homes, an activity regulated for many years by the Domestic Service Statute of 1956.

  The new regime represented an important advance in recognizing the employment rights of women workers. It is in force throughout the country and regulates labour relations for employees engaged in tasks performed in private homes or in the context of family life and that do not represent for the employer any financial gain or profit, irrespective of the number of hours per day or days per week worked.

Institutional progress

71. The following progress has been made in the framework of policies implemented by the Ministry of Labour, Employment and Social Security:

- Gender and Labour Market Bulletin. The Under-Secretariat for Technical Planning and Labour Studies established the Gender and Labour Market Bulletin, which contains indicators on the situation of women in the labour market.

- New Trades for Women Programme. Established by Resolution No. 1553/10 of the Ministry of Labour, Employment and Social Security, its purpose is to prepare women for non-traditional activities by promoting women's training and access to more highly skilled and better paid employment.

  "Non-traditional activities" are understood to mean those trades, jobs and activity sectors that require knowledge of, and qualifications in, areas that have not traditionally been considered to provide "natural" roles for women. One programme element involves the provision of technical advice to government agencies with a view to implementing the gender perspective.

  The Ministry of Labour, Employment and Social Security is promoting this programme with the aim of increasing women's pay (enabling them to earn 20 to 30 per cent more than in traditional jobs for women); furthering greater recognition and sense of worth (boosting self-esteem and career development); and providing better employment opportunities (a broader range of employment prospects).

[31] Annex 4 is identified as the regulations for Act No. 26.727.
[32] Annex 5 is identified as the regulations for Act No. 26.844.

- Trade Union Training Programme. This involves awareness-raising and training activities on gender equality for trade union delegates and mid-ranking officials of trade unions. Efforts are also being made to include clauses that help to reduce the gender gap in collective labour agreements.
- Tripartite Commission on Equality of Opportunities. Since 1998, the Tripartite Commission on Equality of Opportunities, which is composed of representatives of the State sector, the private sector and trade unions, has been operating within the Ministry of Labour, Employment and Social Security. The purpose of this Commission is to promote equal treatment and opportunities in the world of work through social dialogue. It also promotes the establishment of provincial tripartite commissions.

  The functions of each provincial commission are: to establish a consensus on the actions to be carried out to equalize opportunities; to promote the establishment of regulations (laws, labour agreements, etc.); to develop tools to assist organizations and individuals with employment-related aspects of the issue; to establish and promote specific progressive actions; to serve as a link to other organizations around the world that work in the area and adopt innovative approaches; to publicize and raise awareness of the issue in society.

Paragraph 15

72. A percentage of the economically active population has difficulty in obtaining employment and not everyone is able to find work that meets the conditions established by laws protecting the rights of workers. The Ministry of Labour, Employment and Social Security is the body that promotes the fight against informal employment by implementing measures that help to further this goal and by addressing levels of irregular and precarious employment, which involves strengthening the inspection process, employing dissuasion and punishment mechanisms and establishing incentives for micro-entrepreneurs.

Adjustable Minimum Living Wage

73. The evolution of minimum wages and working conditions is a continuing concern of the Argentine State. The process of coordinating and setting wages results in multiple coexisting regimes that are mainly based on collective bargaining, driving the social dialogue that takes place between the State, companies and trade unions.

74. Since 2004, sector-based collective bargaining has steadily evolved to reach around 55 per cent of private-sector wage earners.[33] Around 84 per cent of registered private-sector workers benefit from collective agreements established under Act No. 14.250, while just over 9 per cent of registered wage earners in the private sector benefit from other tripartite wage-setting schemes.[34] The 7 per cent of private workers whose wages are set on an individual basis do not engage in collective bargaining.

75. Since 2004, the State has continuously convened the National Council for Employment, Productivity and the Adjustable Minimum Living Wage (Decree No. 1.095). This tripartite body enables the State to establish the minimum legal income level on an annual basis in order to improve the situation of workers not registered in the social security system. Regulations on the adjustable minimum living wage specify its scope for staff employed by the national civil service.

76. For its part, Act No. 26.727 and the provisions of the National Agricultural Labour Commission regulate the working conditions, categories and salaries of workers for each job type and have incorporated amendments that bring working conditions in rural areas into line with the different areas of the private sector. The changes concerned relate, among other things, to working time (8 hours per day and 48 hours per week), weekly rest periods,

[33] This figure does not include persons covered by the special employment contract regime for persons employed in private homes — Act No. 26.844.

[34] Such as agricultural workers, private tutors and workers in private homes.

leave, age of admission to employment, the protection of adolescent workers, occupational safety and risk, social security and professional training. Workers covered by the agricultural employment regime are entitled to be paid no less than the adjustable minimum living wage established under Employment Act No. 24.013.

77. Act No. 26.844, which established the special employment contract regime for persons employed in private homes, covers the provision of any services or the execution of cleaning, maintenance or other typical household activities, including personal assistance and support provided to family members or those who live in the same home as the employer, as well as non-medical care of persons with illnesses or disabilities.[55]

78. The Act established the National Commission on Work in Private Homes, which is made up of representatives of the State and bodies that bring together employers and workers in that sector. The National Commission on Work in Private Homes periodically sets the minimum wage in accordance with occupation type, modality and category for the entire national territory, reaching around 1.3 million workers.

79. In the public sector, wage setting varies in accordance with the branch of government concerned (the executive branch and its decentralized agencies, the legislative branch and the judiciary) and employment contract regimes.

80. Also relevant is the joint national negotiating body for the teaching profession, which was established in 2008 as a mechanism requiring coordination and cooperation between the State and the 24 federal entities of the country (23 provinces and the city of Buenos Aires).[56] This mechanism is related to Act No. 26.075 of 2005 on Educational Funding, article 10 of which establishes that "the Ministry of Education, Science and Technology, together with the Federal Council for Culture and Education and professional teachers' associations with nationwide representation, will establish a framework agreement that will include general guidelines relating to: (a) working conditions (b) the school calendar (c) the minimum wage for teachers and (d) careers in teaching".

81. The national negotiating body for the teaching profession is made up of representatives of the Ministry of Education and Sports, the Ministry of Labour, Employment and Social Security, the Federal Education Council and the national professional associations for primary and secondary education (the Confederation of Education Workers, the Union of Argentine Teachers, the Argentine Education Study Centre, the Association of Technical Teaching and the Argentine Union of Private Teachers) depending on the number of members. The national minimum wage for teachers, which is set in accordance with a benchmark for wage negotiations in each province and the autonomous city of Buenos Aires, must be established by agreement or, failing that, by the Government.

Combating informal employment

82. This phenomenon requires the implementation of joined-up strategies for inspecting, promoting and encouraging the formalization of employment and compliance with regulations.

83. The strategic role played by the employment inspection system has been strengthened, encouraging employment registration and boosting the number of cooperation programmes established with neighbouring countries, ratifying agreements that reflect the international consensus on the minimum requirements for the working and living conditions of seafarers on board ships.

Employment Inspection: the National Plan for the Regularization of Employment

84. The National Plan for the Regularization of Employment was established in response to the high rate of unregistered labour in salaried employment and the absence of such workers from the social security system.

[55] More information on this Act is provided in the response to Observation No. 15.

[56] The latter are responsible for primary and secondary education in Argentina.

85. Since 2009, 979,119 inspections have been carried out in respect of 2,588,092 workers, 30 per cent of whom were unregistered. Around 40 per cent of the workers concerned regularized their employment status so that they would be included in the social security system.

86. With regard to migrant workers, the results of the National Plan for the Regularization of Employment show that a large number of foreign workers (40 per cent and over, depending on the year) were detected as being unregistered. At nearly 30 per cent, the percentage of such workers who have registered with the social security system is lower than the figure for Argentine workers.

87. In 2012, steps began to be taken to implement the Digital Inspector, a computer application that reduces processing times to enable the National Plan for the Regularization of Employment to produce results more efficiently.

88. Act No. 26.940 of 2014 on the Promotion of Registered Employment and the Prevention of Employment Fraud drew attention to the need to create separate inspection processes for different sized establishments (those employing up to 10 workers and those employing over 10).

Inspections

89. The Ministry of Labour is empowered to monitor the working conditions of employees at the federal level (those working at airports or ports, in freight transport or in passenger transport between provinces). In that regard, 96,215 inspections have been carried out since 2009.

Special Unit for the Inspection of Informal Employment

90. The Special Unit for the Inspection of Informal Employment was established by Act No. 26.940 with a view to creating a professional and interdisciplinary body of inspectors that addresses sectors with high levels of occupational and social security fraud and all other forms of unlawful subcontracting. The Unit is responsible for carrying out investigations and follow-up actions in specific sectors that are difficult to monitor.

Temporary service agencies

91. Progress has been made in regulating these services in order to prevent the indiscriminate use of temporary contracts. Resolution No. 352/12 of the Labour Secretariat provides a mechanism through which companies that use and provide temporary services can communicate. It establishes the obligation to provide a sworn statement regarding the remuneration to be received by the employee and seeks to ensure compliance with the principle of equal pay for equal work (article 14 bis of the Constitution).

92. A number of decrees and resolutions regulate the occupational hazard scheme and the procedures concerning the safeguards to be observed by temporary service agencies.

93. According to the data for the period from 2009 to 2016: (a) over 20,000 workers were registered by their real employer; (b) 6 companies began the registration process; (c) 274 proceedings were brought against fraudulent work cooperatives acting as providers of staff; (d) 151 proceedings were brought for formal violations; (e) fines for non-compliance exceeded 30,000,000 Argentine pesos, of which 27,000,000 Argentine pesos corresponded to fraudulent work cooperatives.

The MERCOSUR Regional Labour Inspection Plan

94. The MERCOSUR Regional Labour Inspection Plan is a plan entered into by MERCOSUR member States that establishes guidelines for coordinated inspections in border areas in order to combat unregistered labour, check compliance with regulations on working conditions and adequate social protection and improve the detection and

rectification of labour violations.[37] The plan includes a training programme for Mercosur inspectors that allows the criteria involved to be standardized.

Human and material resources of the inspection system

95. The human and material resources allocated to the inspection system have been increased. In 2015, the body of inspectors comprised 356 agents in the 41 regional offices; more equipment was acquired and applied technology was incorporated into inspections (900 tablets; 500 mobile telephone units; 100 vehicles).

Laws on promoting registered employment

96. Act No. 26.476 of 2008 established the regime for tax regularization, the promotion and protection of registered employment and the disclosure and repatriation of capital. The legislation provides in particular for a reduction in employer contributions in respect of new recruitment, with the exception of social security contributions.

97. The law provides for a special regime for the regularization of unregistered employment and a regime for the promotion and protection of registered employment. As of 31 July 2014, 462,369 labour relations were active in different regimes.

98. Act No. 26.940 establishes instruments that promote full inclusion in the labour market, creating special regimes for promoting registered employment and providing benefits to employers in accordance with the number of workers employed (the permanent regime for social security contributions for micro-employers and the regime for promoting the recruitment of registered staff for employers with up to 80 staff).

99. Another option is the complementary scheme of deductions and contributions in the case of employers who have signed union-employer agreements governing the joint payment of social security contributions. In February 2016, 343,502 active employment relations were declared under one of the contract type codes provided for by Act No. 26.940.

Special regimes

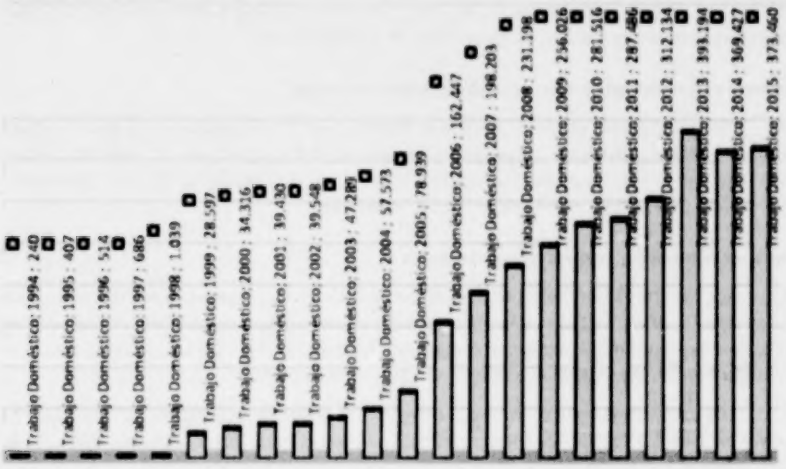
100. As mentioned above, Act No. 26.844 established the special employment contract regime for persons employed in private homes, amending the regime governing compensation, leave, access to universal benefits and illness and accident cover, granting protection for maternity and marriage and bringing the regime into line with Act No. 20.744 on Employment Contracts.

101. In 2006, the number of contributors to the pension scheme in this welfare system began to increase steadily.

102. Contributors per social security regime — Domestic work in the Argentine Integrated Social Security System — December 1994 to December 2015:[38]

[37] Resolution MERCOSUR/GMC/RES No. 22 of 2009.

[38] Source: Ministry of Labour — Social Security Secretariat — National Directorate of Economic Planning, on the basis of data provided by the Federal Administration of Public Revenues.


Trabajo Doméstico: 1994 : 240
Trabajo Doméstico: 1995 : 407
Trabajo Doméstico: 1996 : 514
Trabajo Doméstico: 1997 : 686
Trabajo Doméstico: 1998 : 1.039
Trabajo Doméstico: 1999 : 28.597
Trabajo Doméstico: 2000 : 34.316
Trabajo Doméstico: 2001 : 39.430
Trabajo Doméstico: 2002 : 39.548
Trabajo Doméstico: 2003 : 47.286
Trabajo Doméstico: 2004 : 57.573
Trabajo Doméstico: 2005 : 78.939
Trabajo Doméstico: 2006 : 162.447
Trabajo Doméstico: 2007 : 198.203
Trabajo Doméstico: 2008 : 231.198
Trabajo Doméstico: 2009 : 236.026
Trabajo Doméstico: 2010 : 281.516
Trabajo Doméstico: 2011 : 287.486
Trabajo Doméstico: 2012 : 312.134
Trabajo Doméstico: 2013 : 393.194
Trabajo Doméstico: 2014 : 369.427
Trabajo Doméstico: 2015 : 373.460

103. Mention has also been made of Act No. 26.727, which approved the new agricultural employment regime in order to improve human rights standards for agricultural workers, irrespective of the work carried out or the type of contract concerned.

104. The new regime incorporates both collective labour agreements and Act No. 20.744 as a source of regulation concerning everything that is compatible and not in conflict with a specific legal regime.

National Register of Workshop Organizers

105. In May 2016, the regulations to Resolution No. 1405/15 of the Ministry of Labour were adopted, establishing the national register of workshop organizers, which includes natural and/or legal persons operating in that capacity.

106. The regulations define workshop organizers as persons or companies that commission workers to develop products received from an employer or intermediary or products purchased for tasks ancillary to the main tasks, which are carried out by workers in paid employment.

107. They establish the registration procedure, providing for the issuance of a registration certificate containing a range of information (the address of the establishment(s) undertaking the tasks, activity types, workers on the payroll etc.). Unregistered workshop owners are excluded from the regime provided for in the Domestic Work Statute and are considered to be employers in accordance with Act No. 20.744.

Social security benefits

108. Beneficiaries covered by Act No. 24.977 on the simplified regime for small taxpayers, who include those belonging to all categories up to and including category I of the family allowance scheme, have the right to receive the following benefits: universal family allowance per child, allowance for children with disabilities, prenatal allowance and the annual school assistance allowance for preschool, primary and secondary education in the national education system.

109. Decree No. 1602/2009 established the Universal Family Allowance per Child for Social Protection, which includes unemployed family groups or those working in the informal economy.

110. Decree No. 446/2011 incorporated the universal pregnancy allowance for social protection, which consists of a financial payment made to all pregnant women who are unemployed or working in the informal economy, from the twelfth week of gestation until the delivery or the termination of the pregnancy.

111. Act No. 27.160 of 2015 on the adjustability of family and universal allowances adopted and implemented, for these allowances, the adjustability of the Argentine Integrated Social Security System, thereby improving the social security and pension system.[39]

112. Decree No. 593/2016 incorporated persons who contributed through the simplified regime for small taxpayers, extending the protection available to the most vulnerable groups. The amendments had national scope and were mandatory, incorporating a family allowance system for wage earners in the public or private sector, beneficiaries of the Argentine Integrated Social Security System, of non-contributory pensions for invalidity, of payments made under the Act on occupational risk, of unemployment benefit and persons belonging to socially at risk groups.

113. The National Welfare Benefits Commission invited the Office of the Immigration Ombudsman to hold meetings related to the consultation carried out by that department in respect of the scope of Act No. 18910 and Decree No. 432/97 on foreigners obliged to provide proof of at least 20 years of continuous residence, immediately prior to requesting a pension, in the Argentine Republic.

Paragraph 16

114. Articles 4, 5 and 6 of Act No. 26.485 on comprehensive protection for the prevention, punishment and eradication of violence against women contain definitions of violence against women, making reference to unequal power relations and types of psychological and sexual violence, including sexual harassment in the workplace. These articles thus describe violence against women at work.

115. Particular references to the subject can be found in article 2 (f) (on the guarantee of access to justice for victims), article 31 (on the freedom to provide evidence to prove allegations made) and article 35 (on the right to make a civil claim for damages).

116. At the national level, Decree No. 2385/93 addresses sexual harassment in the civil service when perpetrated by a hierarchical superior. The same offence also figures in various local laws, in particular those of the City of Buenos Aires (Ordinance No. 47.506), the province of Buenos Aires (Act No. 12.764) and the province of Santa Fe (Code of Misdemeanours).

117. The Government of Argentina has also ratified the Convention of Belem do Pará, in accordance with which it has undertaken to adopt public laws and policies against sexual harassment.

118. In December 2015, the Chamber of Deputies gave preliminary approval to a draft law establishing a "system for punishing workplace violence and sexual harassment in the private and public sectors and in any other State agency". The draft law has been sent to the Senate for consideration.

119. Furthermore, a number of recent bills, including files Nos. 0146-D-2016[40] and 0212-2016-D,[41] incorporate the offence in the Criminal Code by introducing amendments to article 149 of the Code.

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[39] The National Social Security Administration implemented the law through Resolution DEA Nos. 616/2015 and 32/2016.

[40] Following the Incorporation of article 149 quater of the Criminal Code, "Any person who uses a position of seniority in a hierarchical structure, in the workplace, in a relationship between a teacher and student or in any other situation, to demand sexual favours for him or herself or for a third party, under threat of causing the victim, in the event that he or she does not comply, harm related to the legitimate expectations that he or she might have in the context of this relationship, shall be liable to a prison sentence of between six months and five years".

[41] "(...) The punishment set out in the above paragraph will be handed down to any person who takes advantage of a position of seniority in a hierarchical structure, in the workplace, in a relationship between a teacher and student or in any other situation, to demand sexual favours for him or herself or

120. Attention may be drawn to several cases involving the issue, such as the judgment issued in 2009 by the National Labour Court of Appeal, which established that "Sexual harassment occurs when a female worker suffers harassment for reasons that are clearly sexual; when she is the victim of a situation and of sexual harassment in the strict sense of the term, that is, when sexual relations are demanded under threat of dismissal".[42]

121. More recently, on 24 September 2014, the National Labour Court of Appeal issued a judgment in the case of *A.A.Y. v. Shell Compañía Argentina de Petróleo S.A.* on dismissal, which established that "sexual harassment is a form of abuse that is difficult to prove and should generally be decided on the basis of evidence that reveals that a hierarchical superior has behaved inappropriately towards an employee. Since the facts relating to this type of offence generally occur in the absence of third parties, the complaint made by the person invoking the status of victim of sexual harassment cannot be disregarded".

122. In 2014, the "Show Abusers the Red Card" awareness-raising campaign was conducted. The campaign consisted of radio and television announcements and posters in which well-known public figures expressed their commitment to fighting abuse. The problem of tackling violence against women forms part of the agenda of the Government. For this reason, the challenge of bringing about sociocultural change is one that requires the commitment of the entire population.[43]

123. Recently, the "National Action Plan on the Prevention, Punishment and Eradication of Violence against Women 2017-2019" was launched. The Plan focuses on two specific themes, prevention and care, and proposes to address the former through awareness-raising and staff training in issues related to sexual harassment, harassment at work and gender-based violence.[44]

Paragraph 17

Legislative developments

124. The legislative changes that have taken place since the date of the last report are described below.

125. Act No. 26.364 on the prevention and punishment of human trafficking and victim assistance was amended by Act No. 26.842 in 2012 and subsequently regulated by Decree No. 111/2015. The amendment took account of demands from society and of Recommendations Nos. 30 and 46 of the Committee on the Elimination of Discrimination against Women in its concluding observations on the sixth periodic report of Argentina.

126. The amendment created the Federal Council on the Fight Against Human Trafficking and Exploitation and for the Protection and Assistance of Victims and the Executive Committee for the Fight Against Human Trafficking and Exploitation and for the Protection and Assistance of Victims.

127. The Federal Council works on public policies related to the fight against human trafficking and exploitation and the protection and assistance of victims. The Executive Committee is a functionally autonomous entity coordinated by the Executive Office of the Cabinet of Ministers, which organizes the prevention, punishment and assistance measures on human trafficking undertaken by its four constituent ministries: the Ministry of Social Development, the Ministry of Justice and Human Rights,[45] the Ministry of Labour, Employment and Social Security, and the Ministry of Security. The Executive Committee drew up a single coordination protocol for its operations, defining the areas of responsibility and functions of each entity.

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for a third party, under threat of causing the victim, in the event that he or she does not comply, harm in the context of this relationship".

[42] *Alberto, Norma v. Deco SA* on dismissal.

[43] http://www.cnm.gov.ar/AreasDeIntervencion/ViolenciaDeGenero.html.

[44] For more information on the National Plan, see the reply to the recommendation made in paragraph 18.

[45] https://www.comitecontralatrata.gob.ar/.

128. In this way, a new offence of "supplying" an individual for the purposes of exploitation was introduced. This can be especially important in the case of children whose parents or guardians hand them over to traffickers, an act that had not constituted a separate offence prior to the amendment of the law. Similarly, in operations to "sell" or transfer victims, the transferor was not directly covered by the concepts of "capture", "transport" or "reception".

129. The legislative reform eliminated the distinction between minors and adults in relation to consent, increased the penalties both for trafficking and for related offences, and added new forms of exploitation and aggravating factors, permitting the State to act as plaintiff.[46]

130. The promotion, facilitation and marketing of child pornography and the staging of any kind of performance or spectacle involving such content were added to the existing forms of exploitation. New aggravating circumstances were also introduced, such as de facto unions and forced marriages, and the use of deception, fraud, violence, threat or any other means of intimidation or coercion, abuse of authority or of a situation of vulnerability, or the giving or receiving of payments or benefits to obtain the consent of a person having control over the victim.

131. Decree No. 936/2011 banned advertisements for sexual services in whatever form — including print media, the Internet and street adverts — and created the Monitoring Office for Sexual Trade Advertisement within the Ministry of Justice and Human Rights to enforce the regulations. The Monitoring Office also receives complaints from individuals who detect this type of publication, and carries out joint work with the National Council of Women. An attempt is thus under way to promote cultural change by removing the obstacles that reproduce gender inequality and generate violence against women.

Institutional developments

132. In 2008, specific units were set up in each of the federal security forces (the Federal Police Force of Argentina, the Gendarmería Nacional, the Argentine Naval Prefecture and the Airport Security Police) to prevent and investigate the crime of trafficking in persons. They included a human trafficking division in the Federal Police Force of Argentina; an anti-trafficking department in the Gendarmería Nacional; the Department for the Investigation of Human Trafficking of the Argentine Naval Prefecture; and, within the Airport Security Police, an operations unit for the control of drug trafficking and complex crimes.

133. The Ministry of Security likewise introduced the SISTRATA integrated crime information system for trafficking offences, which records quantitative and qualitative information on all tasks (such as investigations and searches) performed by the federal security forces in relation to possible crimes of trafficking in persons and related offences.

134. Decree No. 1742/2012 stipulated that the structure of the National Investigations Directorate of the Secretariat of Security should include the Directorate for the

[46] Article 145 bis of the Criminal Code states that any person who supplies, captures, transfers, receives or houses persons for the purpose of exploitation, either within the national territory or in other countries, even with the consent of the victim, shall be punishable by 4 to 8 years' imprisonment. Article 145 ter states that in the circumstances set out in article 145 bis, a penalty of 5 to 10 years' imprisonment shall apply where: (1) the perpetrator uses deception, fraud, violence, threats or any other means of intimidation or coercion, abuse of authority or of a situation of vulnerability, or gives or receives payments or benefits to obtain the consent of a person having authority over the victim; (2) the victim is pregnant or is older than 70 years of age; (3) the victim is a person with a disability or illness, or is unable to take care of him or herself; (4) there are three or more victims; (5) there are three or more perpetrators involved in committing the offence; (6) the perpetrator is an ascendant, descendant, spouse, direct, collateral or cohabiting relative, teacher, guardian, authority or minister of any recognized or unrecognized faith, or is responsible for the education or care of the victim, or (7) the perpetrator is a public official or a member of a security force, the police or the prison service. The article provides for a penalty of 8 to 12 years' imprisonment when the exploitation of the victim of human trafficking effectively takes place, and a penalty of 10 to 15 years' imprisonment when the victim is under 18 years of age.

Investigation of Organized Crime, which is responsible for coordinating the fight against trafficking in persons and offences against sexual integrity. The Ministry of Security also operates a free hotline for the receipt and referral of complaints and enquiries, including in relation to irregularities in the performance of federal security personnel. In this regard, one of the functions of the Office of the Under-Secretary for Coordination with the Judiciary and the Public Prosecution Service of the Ministry of Security is to assess complaints of human trafficking received via the hotline and the 145 helpline of the National Trafficking Victims Rescue and Assistance Programme of the Ministry of Justice and Human Rights.

135. The Office of the Under-Secretary for Coordination with the Judiciary and the Public Prosecution Service is also responsible for instituting legal proceedings, based on complaints received, before the courts of Buenos Aires. Up to May 2016, 20 such complaints had been referred to the courts.

Prevention of trafficking in persons

136. The tasks performed by each of the federal security forces are as follows.

Argentine Naval Prefecture

137. The priority attached to the issue led to numerous investigations being assigned to the Argentine Naval Prefecture following the creation of its Department for the Investigation of Human Trafficking. These investigations originated in the requirements of various judicial bodies, such as the Prosecution Department for Combating Human Trafficking and Exploitation, federal courts and prosecutors' offices and national prosecutors' offices, as a result of complaints received through the free helplines 08005555065 and 145.

138. The Department for the Investigation of Human Trafficking consists of two divisions — the Operational Coordination Division and Crime Prevention Division — and four sections devoted to operations, analysis, primary care for victims and institutional relations, respectively.

139. The Department's functions are: (1) to centralize crime-related information; (2) to compile statistics on operational activities; (3) to enter data into SISTRATA; (4) to provide relevant training to the officers involved; (5) to provide technical tools to the criminal intelligence offices throughout Argentina that perform anti-trafficking operations; (6) to participate in crime prevention campaigns; (7) to carry out investigations in the context of court proceedings; (8) to undertake wiretapping, and (9) to execute search warrants.

140. Operational activity has intensified since the creation of the Department, while the amendments introduced in 2012[47] also increased the amount of investigative work related to human trafficking, in terms of violations of Act No. 12.331 (on prophylaxis), Act No. 23.737 (on drugs), and Act No. 22.362 (on trademarks). Increases were also recorded in the number of victims resulting from related offences and the number of persons charged.

Gendarmería Nacional

141. The Gendarmería Nacional carries out preventive activities in accordance with various operating protocols issued by the Ministry of Security. Under resolution No. 1679/2008 of the Ministry of Justice and Human Rights, each Judicial Proceedings and Investigations Unit includes an anti-trafficking unit that functions in three main areas: information gathering, training and carrying out specific operations.

Airport Security Police

142. The Airport Security Police deploys its resources in airport jurisdictions throughout the country. Its staff operates in the areas of preventive airport safety — implementing protocols for the early detection of victims — and complex airport safety, which includes investigatory work in the framework of court proceedings.

[47] Act No. 26.364 on the prevention and punishment of human trafficking and victim assistance was amended by Act No. 26.842 of 2012, regulated by Decree No. 111/2015.

143. Statistical information on the police interventions recorded by the Department of Airport Criminal Intelligence is provided below:[48]

Year	*Number of police interventions*
2010	32
2011	32
2012	47
2013	101
2014	51
2015	31
2016	8
Total	**270**

144. Moreover, the Domestic Violence Office attached to the Supreme Court of Justice expanded its functions in August 2016 (Agreement 21/2016)[49] to include the reception of complaints from persons who "appear to be the victims of a situation that may be classified as trafficking for the purposes of sexual exploitation and/or exploitation of prostitution, as well as the reception of statements of persons with family and/or emotional ties to the possible victim."

Assistance and support for victims

145. The main objective of the National Trafficking Victims Rescue and Assistance Programme of the Ministry of Justice and Human Rights is to provide psychological, medical and/or legal support and assistance to victims of trafficking, from the moment of their rescue until such time as they subsequently testify.

146. A professional team holds interviews with the victim; assesses his or her potential to testify; notifies the victim and accompanies him or her to the court premises; provides support in the giving of testimony; records the person's statement using a Gesell chamber or similar audiovisual recording system; provides assistance and support in the safe house; refers the victim to the appropriate institution, as necessary; and drafts technical reports for subsequent submission to relevant bodies.

147. The testimony of victims following rescue may be received by judicial officials or, as a protective measure to avoid revictimization, through audiovisual recording devices or by convening professionals from the Trafficking Victims Programme.

148. The Programme comprises an interdisciplinary team of professional psychologists, lawyers, social workers, physicians and political scientists. Its scope of operation is nationwide, since trafficking in persons is a federal offence.

149. The Programme's procedural protocol was established in 2012 pursuant to resolution No. 1932 of the Ministry of Justice and Human Rights, which selected indicators of the crime of trafficking in keeping with national and international standards.

150. The intervention team also includes a group of non-commissioned officers of the Federal Police Force and professionals involved in the proceedings. They are specially trained to deal with victims and provide protection during transfer and in the shelters where victims are accommodated.

151. Interventions take place further to a request of the judiciary or of the Public Legal Service, in the form of an official instruction.

152. The Programme has a shelter where victims are provided with accommodation and comprehensive assistance. Once they have testified, they are referred to the competent

[48] Data to 16 May 2016.

[49] More detailed information on the functioning of the Domestic Violence Office of the Supreme Court of Justice is included in the response to paragraph 18 of the Council's concluding observations.

national, provincial or local agency, where they continue to receive comprehensive assistance.

153. The head office of the Programme is located in Buenos Aires and it has regional offices in the provinces of Chaco, Santa Fe, La Pampa, Mendoza, La Rioja, Río Negro and Chubut.

154. Its functions include the nationwide operation — 24 hours a day, 365 days a year — of the free 145 hotline designed to receive complaints of prima facie trafficking and exploitation of persons. Complaints may be filed anonymously, from public, semi-public, private and mobile telephones; calls are recorded and data backed up for a period of 10 years. Where it appears that a case of trafficking and/or exploitation of persons has taken place, a complaints form is prepared and sent to the competent authority. Where it is determined that the complaint relates to another crime, the matter is redirected as appropriate.

155. The Public Prosecution Service has a Prosecution Department for Combating Human Trafficking and Exploitation (PROTEX),[50] whose purpose is to assist prosecutors' offices throughout the country in handling cases of kidnapping for ransom and human trafficking.

156. Since July 2015, PROTEX has collaborated in the administration of the 145 hotline. When complaints are received they are referred to PROTEX, with the exception of urgent cases, which are sent directly to the security forces. A total of 1,079 complaints were received between July 2015 and February 2016 and legal proceedings were instituted in most cases, often leading to preliminary investigations.

157. In 2014, the Victim Orientation, Support and Protection Unit was set up within the Public Prosecution Service to implement a specialized approach to victims of complex criminal phenomena (trafficking and exploitation, sexual abuse and ill-treatment of children, gender violence and institutional violence). These individuals find themselves in highly vulnerable situations and require essential support during the course of criminal proceedings.

158. Similarly, the Special Prosecution Unit on Violence Against Women (UFEM)[51] was established in July 2015 to incorporate the gender perspective into the Public Prosecution Service.

Prevention campaigns

159. The National Trafficking Victims Rescue and Assistance Programme has a research and training component whose prime objectives are to increase public awareness of and sensitivity to the issue of trafficking and exploitation of persons and to deliver training to educational institutions and/or public officials, members of the judiciary and police personnel. These activities are designed to provide the tools for the early detection of trafficking cases and to standardize the criteria for intervention and victim assistance from a gender and human rights perspective.

160. In addition to training sessions held in the framework of interministerial agreements with civil society organizations and educational communities, campaigns have been organized at places where people congregate in large numbers, such as tourist locations, festivals and fairs.

161. During 2015, distance-learning courses on the crime of trafficking were provided for teachers throughout the country via the virtual platform of the Ministry of Education (www.educ.ar), with the participation of provincial government ministries.

162. Another initiative is the Let's Stop the Trafficking ("Paremos la Trata") campaign, conceived initially for the 2014 FIFA World Cup, which highlighted the structural link between trafficking and the practice of paying for sex in order to discourage and counter the social practices at the root of the crime. It was a broad-based campaign (involving

[50] Resolution of the Office of the Attorney General No. 805/13.
[51] Resolution of the Office of the Attorney General No. 1960/15.

audiovisual media, printed materials and radio spots) focused on trafficking for the purposes of sexual and labour exploitation. The second phase placed the emphasis on prevention through awareness of the recruitment methods used to attract victims, including fake job offers and interviews. In its third phase, the campaign highlighted the link between trafficking and the most common forms of labour exploitation, namely jobs in textile workshops and rural work, and sought to challenge the stereotypes at the root of labour exploitation.

163. At the regional level, a campaign against trafficking in women was launched at the third Meeting of Ministers and High Authorities on Women of the Southern Common Market (MERCOSUR). Entitled "MERCOSUR free from trafficking in women", its main objectives are: (1) to warn women against deception and capture with a view to trafficking for various purposes; (2) to provide information to women at risk of trafficking so they can be cared for by specialized staff; (3) to encourage public officials and social workers to be vigilant in border areas in order to identify possible situations of trafficking in women.

164. In 2012, the Meeting of Ministers and High Authorities on Women of MERCOSUR developed a guide entitled "Care for women in situations of trafficking for sexual exploitation purposes", whose main priority is to direct the coordination and actions of institutions and services operating in MERCOSUR member countries. The guide is available at: http://www.mercosur.int/innovaportal/file/6463/1/guia_rmaam_web.pdf.

Justice 2020 Programme

165. The Justice 2020 Programme, created and developed in 2016 by the Ministry of Justice and Human Rights, is a State policy designed for all areas of the Ministry. It consists in a space for institutional dialogue that seeks to build a modern, transparent and independent service that brings justice closer to citizens, and to comprehensively strengthen the judicial system so that justice can play a leading role in the national life.

166. In that context, it is planned that new regional offices will be opened and continuous training delivered in order to provide a more effective response to all forms of trafficking and exploitation.

Paragraph 18

167. The issues raised in the recommendation under paragraph 18 of the Committee's previous concluding observations are addressed below at the end of the section entitled "National Action Plan 2017-2019".

Legislative developments

168. Act No. 26.485 on comprehensive protection and the prevention, punishment and elimination of violence against women considers any conduct or discriminatory practice that puts women at a disadvantage compared to men to be indirect violence; it defines the types of violence used against women,[52] including domestic violence, and the ways in

[52] Article 5 lists the following types of violence against women, as broadly defined under article 4:

1. Physical violence: that which is used against a woman's body, producing pain, harm or the risk thereof, and any other form of aggressive mistreatment that is detrimental to her physical integrity.

2. Psychological violence: that which causes emotional harm or reduced self-esteem, which prejudices or disturbs full personal development, or which seeks to demean or control a woman's actions, behaviour, beliefs and decisions through threats, harassment, restriction, humiliation, shame, discredit, manipulation or isolation. It also includes blame, constant surveillance, demands for submission and obedience, verbal coercion, persecution, insults, indifference, abandonment, excessive jealousy, blackmail, ridicule, exploitation, curtailment of the right of free movement and any other actions that might be prejudicial to a woman's psychological health and self-determination.

3. Sexual violence: any action that involves some form of violation, with or without penetration, of a woman's right to make decisions about her sexual and reproductive life through threats, coercion or the use of force or intimidation, including rape within marriage or any other family relationship,

which they are manifested.[53] The National Council of Women is the governing body responsible for giving effect to Act No. 26.485.

169. The main action lines implemented include the launch in September 2013 of the national 144 helpline, which operates 24 hours a day, 365 days a year providing guidance, support and referral services in response to cases of violence. An agreement is in place with the 911 emergency system of the Federal Police Force, which is in the process of modifying a software application to include new indicators (nationality, gender identity) in the information received by telephone.

170. The helpline received 9,867 calls in the first quarter of 2015 and 21,861 in the first quarter of 2016 (year-on-year growth of 180 per cent). The service is provided by 104 specially trained operators.

171. A case follow-up unit composed of 12 professionals (lawyers, psychologists and social workers) was set up in 2016 to provide support for women callers during the subsequent process. The unit carries out follow-up and monitoring of each caller's situation within the various institutions (police, the courts, etc.).

172. In order to address the lack of official data on violence against women, on 23 September 2015 the National Institute of Statistics and Censuses and the National Council of Women presented the initial results of the unified register of cases of violence against women (RUCVM). The publication is submitted as annex 6.[54]

173. The unified register centralizes and systematizes the information drawn from administrative records, in order to develop conceptually and methodologically harmonized indicators as an input for public policy proposals aimed at modifying the current picture of gender-based violence.

174. It focuses on a population that includes women and transgender people aged 14 years and older who are the victims of gender violence, and includes complaints that are registered either directly or because some form of assistance (legal assistance, medical treatment, etc.) is requested of the State authorities by the victim or a third party such as a family member.

175. In the judiciary, the Supreme Court of Justice provides access to justice for persons affected by domestic violence and places emphasis on preventing and dealing with cases. In 2016, it earmarked US$ 10,767,394 for the provision of services to the vulnerable population.

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regardless of whether there is cohabitation, as well as forced prostitution, exploitation, slavery, harassment, sexual abuse and trafficking of women.

4. Property-related and economic violence: that which is intended to damage a woman's economic or property assets, through:

(a) the disruption of the possession, holding or ownership of her assets;

(b) the loss, theft, destruction, withholding or misappropriation of objects, work tools, personal documents, possessions, securities and property rights;

(c) the limitation of economic resources for the meeting of her needs, or deprivation of the essential means for living a life of dignity;

(d) the limitation and control of her income, as well as the receipt of lower pay for equal work within the same workplace.

5. Symbolic violence: that which uses stereotyped patterns, messages, values, images or signs to convey and reproduce domination, inequality and discrimination in social relations, legitimizing the subordination of women in society.

[53] Violence committed against a woman by a member of her family group, regardless of the physical space in which it occurs, and which may harm the woman's dignity, well-being, physical, psychological or sexual integrity, wealth, property or freedom, including reproductive freedom and the right to full development. The family group is understood as that in which kinship is derived from consanguinity or affinity, marriage, de facto unions, partnerships or betrothals. The definition includes relationships that are legally in force and those which have ended, cohabitation not being a requisite.

[54] Annex 6 entitled "*RUCVM — Primeros — resultados — Año 2015*".

176. In compliance with the commitments established by Act No. 26.485 in relation to the registration of complaints concerning violent acts, in 2006 the Supreme Court of Justice established the Domestic Violence Office under its Agreement No. 39/2006.

177. The Domestic Violence Office subsequently devised the Intermediate System for the Registration of Statistical Data on Domestic Violence, which prepares standardized statistics and allows all jurisdictions to record data and analyse trends in domestic violence, using a system of indicators endorsed by the United Nations. Fifteen provincial jurisdictions are currently affiliated to the system.

178. In order to raise awareness of domestic violence among the general public, the Office prepared a video that deals with the different types of domestic violence and presents violence as a public problem that requires State intervention and entails the obligation to report it.[55] It also facilitates access to justice for those who are in vulnerable situations as a result of domestic violence. Moreover, the Supreme Court of Justice publishes decisions that clearly establish the criminal nature of domestic violence.

179. The Supreme Court of Justice also has a Women's Office (established under Agreement No. 13/2009), which promotes the incorporation of the gender perspective in the institutional planning and internal processes of the judiciary. The Women's Office also holds awareness-raising and training workshops, performs analyses to identify behaviours and procedures that perpetuate inequality, and develops proposals for mainstreaming the gender perspective. Women's offices have been established in all jurisdictions of the country.

180. Since 2015, the Supreme Court of Justice has maintained a national register of femicides, which includes all cases in which women (including girls, adolescents and adults) have suffered a violent death for motives of gender, regardless of whether the cases are classified as femicide.

181. The register was set up after the offences of femicide and "linked femicide" were incorporated into the Criminal Code (art. 80) pursuant to Act No. 26.791 of 2012, imposing the penalty of life imprisonment in cases where "a man kills a woman as an act of gender violence" and where the perpetrator kills "for the purpose of causing suffering to a person with whom he is or has been in a relationship".

182. The register corresponding to 2015 is attached as annex 7.[56]

Legal advice and psychosocial support

183. The National Commission for Access to Justice was established under Agreement No. 37/2007 of the Supreme Court of Justice in order to promote access to justice through alternative methods of dispute resolution. It has produced an access to justice map, available on its website,[57] which provides updated information on various methods of access to justice.

184. The Supreme Court of Justice has signed cooperation agreements with provincial high courts to promote research, training, outreach and advocacy in relation to access to justice.

185. With regard to the availability of shelters, there are currently 25 comprehensive protection centres for women in situations of violence and their immediate families.[58]

[55] The website of the Domestic Violence Office provides access to case law and to monthly and annual statistics on domestic violence (http://www.ovd.gob.ar/).

[56] Annex entitled "*Registro Femicidios CSJN*".

[57] www.cnaj.gob.ar.

[58] Nine of these centres are in Buenos Aires: Almirante Brown, Avellaneda, Bolívar, Florencio Varela, Ituzaingó, Lomas de Zamora, Moreno I and II and Partido de la Costa. The other 16 are located in Bariloche (Río Negro), Catamarca (Catamarca), Colón (Entre Ríos), Corrientes (Corrientes), El Carmen (Jujuy), Gobernador Costa (Chubut), Guaymallén (Mendoza), Las Heras (Santa Cruz), La Rioja (La Rioja), Mendoza (Mendoza), Paraná (Entre Ríos), Salta (Salta), San Luis (San Luis), Santiago del Estero (Santiago del Estero), Sierra Colorada (Río Negro) and Zapala (Neuquén).

186. A Framework Protocol for Shelter Facilities has been validated and provides a general operational and procedural framework for the activities of the professional and non-professional teams responsible for shelter services, including standards of care for the detection and follow-up of situations of gender-based violence.

187. Act No. 27.210, passed in November 2015, created a body of lawyers within the Ministry of Justice and Human Rights to provide legal assistance to women victims of gender violence.

National Action Plan 2017-2019

188. On 26 July 2016, the National Council of Women unveiled the National Action Plan for the Provision of Assistance and Prevention and Elimination of Violence Against Women 2017-2019, in accordance with the provisions of Act No. 26.485.

189. The National Action Plan — submitted as annex 9[59] — addressed an unresolved issue by adopting "the realization of the right of all persons to live a life free from violence" as a State policy, through a strategic planning tool that brings together and systematizes policies, programmes and initiatives for the entire territory. Adopting a federal, cross-cutting and interdisciplinary approach, the Plan sets out a common path with protection standards designed to guarantee access to quality services for all women.

190. It also proposes a comprehensive vision for eliminating violence against women and sets out concrete action strategies to address the problem, drawing on a budget of 750 million pesos for the development of policies and programmes led by the National Council of Women in coordination with over 50 public institutions and agencies.

191. The Plan outlines 69 measures and 137 actions in five areas, two of which are action-related (prevention and comprehensive care) and three of which are cross-cutting: training, institutional strengthening, monitoring and evaluation.

192. Actions include creating a national network of comprehensive protection centres and building 36 new shelters throughout the country; incorporating the gender perspective and violence prevention at all stages of the education curriculum; conducting awareness-raising campaigns; promoting women's rights and publicizing the 144 hotline.

193. All actions are intended for different groups of women (older women, young women, migrants, women with disabilities, and members of the lesbian, gay, bisexual, transgender, intersex and queer community). Devices are also being developed for women's protection, including digital services, mobile applications and electronic ankle tags.

Paragraph 19

194. Trade union rights in the Argentine Republic are extensively protected. Article 1 of Act No. 23.551 on trade union associations stipulates that freedom of association shall be guaranteed by all rules concerning the organization and activity of trade unions.

195. The Act specifically establishes the conditions that trade unions must respect and the administrative procedure that they must follow in order to apply for registration.

196. There are currently 3,360 first-, second- and third-level trade union organizations (unions, federations and confederations) legally registered in Argentina, which indicates that the rights established under the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the judicial guarantees set forth for the free exercise of those rights are recognized.

197. The Act stipulates that: "all workers or trade union associations prevented or hindered from normally exercising the right to take part in trade union activity (...) may claim the protection of that right before the competent court, in accordance with the civil and commercial procedure of the nation or the equivalent provincial codes of civil

[59] The National Action Plan may also be consulted at: http://www.cnm.gov.ar/Pnevm/PlanNacionalDeAccion_2017_2019Ilt.pdf.

procedure, so that the court may, if appropriate, order the immediate cessation of the anti-trade union conduct". It also establishes judicial guarantees that are accessible to all trade union representatives in the event that any anti trade-union measures are adopted.

198. Finally, the Act describes "reprisals against workers owing to their participation in legitimate industrial action or other trade union activities (...)", and "the dismissal, suspension or modification of the work conditions of trade union representatives who enjoy special protection", either by employers or by the professional bodies that represent them, if any, as practices contrary to the ethics of professional labour relations.

199. The Act is currently in force and its provisions are operational. Consequently, there is no lack of legal protection against the persecution of representatives or activists or against the prevention or hindrance of the normal exercise of their trade union rights, insofar as the affected persons are able to appeal to the courts for the cessation of the anti-trade union conduct.

200. Legislative amendments must respect the principles of social justice. Reforms are not exclusively a matter for government bodies but should emerge from agreements between all actors in labour relations system: the State, trade union organizations and employers. It should be recalled that Act No. 23.551 was unanimously adopted by parliamentary representatives as an outcome of the historical, social and cultural evolution of the labour movement.

Paragraph 20

201. The Universal Child Allowance for Social Protection is a universal measure protecting the right to health and education, which does not exclude any specific group but makes receipt of the allowance subject to compliance with health checks and requirements regarding school attendance. Article 5 of resolution No. 393/2009 of the National Social Security Administration[60] stipulates that beneficiaries must reside in the country, be native or naturalized Argentine nationals, or have legally resided in the country for not less than three years prior to applying for the allowance.

202. For persons deprived of their liberty, access to the Universal Family Allowance is regulated for those carrying out declared tasks within units of the Federal Prison Service who are registered with its technical and financial cooperation entity (ENCOPE) (Family Allowances and Unemployment Office (GAFyD) Circular No. 103/10). Access is also subject to Regulation AAFF 07-04, effective since 30 September 2011, on the designation of recipients of the benefit.

203. The National Social Security Administration, the Federal Administration of Public Revenues, the Ministry of Social Development and the Ministry of Labour, Employment and Social Security set up a review committee to examine the groups covered by the family allowances system and work towards a bill that would ultimately bring about its universal coverage.

204. Certain problems in this area have been reflected in judgments such as the one handed down in response to a collective habeas corpus petition filed by women deprived of their liberty in Unit 31 of the Federal Prison Service.

205. In December 2015, the Federal Chamber of Criminal Appeals upheld the aforementioned petition, filed by the Office of the Ombudsman for the Prison System, and ordered the National Social Security Administration to pay the benefits established under Act No. 24.714 to mothers housed in Unit 31 of the Federal Prison Service. The judgment means that the women detained at the Ezeiza federal prison who are mothers or who are pregnant will receive the Universal Child Allowance and the Pregnancy Allowance for Social Protection.

[60] http://servicios.infoleg.gob.ar/infolegInternet/anexos/160000-164999/161339/norma.htm

Paragraph 21

Access to housing

206. The Secretariat of Housing and Habitat attached to the Ministry of the Interior, Public Works and Housing aims to deliver more equal comprehensive access to habitat and housing and to consolidate the State's presence in the country's most neglected communities. The Integrated Habitat and Housing Plan promotes the urbanization of slums and settlements and the regularization of landownership through interaction with the national, provincial and municipal governments. The Plan proposes that 505 habitat-related interventions will take place during its first four years.

207. Some examples of actions undertaken during 2016 are outlined below.

208. In April 2016, the Ministry of the Interior, Public Works and Housing, the Secretariat of Housing and Habitat and the Office of the Under-Secretary for Habitat and Human Development agreed with the provincial government of Jujuy to carry out public improvement and community strengthening works in the city of San Salvador de Jujuy. With a budget of approximately 104 million pesos, the project aimed to solve the housing problems faced by vulnerable sectors of society in areas with urban and housing deficits. The agreement also detailed the works to be carried out in 150 hectares of the Alto Comedero neighbourhood of the provincial capital, including projects related to urban renewal, public lighting, green spaces, recreational areas, sanitary equipment, sewerage systems, household connections to the water supply, community facilities and the launch of human development modules.

209. In July 2016, the Secretariat of Housing and Habitat and the Faculty of Architecture, Design and Urbanism of the University of Buenos Aires signed a framework agreement that authorizes the academic institution and other national architecture faculties to provide technical, advisory and consultancy services to the country's Provincial Housing Institutes.

210. The framework agreement also included the launch of the National Ideas Competition for the "Sustainable Social Housing Project", jointly promoted by the Secretariat of Housing and Habitat, the Ministry of Science, Technology and Productive Innovation, and the architecture faculties of the University of Buenos Aires, National University of Tucumán, National University of the Northeast, National University of Córdoba, National University of the Littoral, National University of Rosario, National University of San Juan, National University of La Plata and National University of Mar del Plata.

211. To promote the development of industrial forestry, enhance innovative capacity and create jobs in small- and medium-sized enterprises (SMEs) in the sector, interministerial cooperation efforts are under way to promote the use of wood as a construction material, thus providing a sustainable, cost-efficient and energy-efficient response to the needs created by the housing deficit. The goal is for wooden dwellings to make up 10 per cent of all new housing units that are built in Argentina.

212. In July 2016, it was announced that an agreement for 18 million pesos had been signed to carry out infrastructure projects in the province of Entre Ríos.

Lending policies

213. Various mortgage lending programmes administered by State-owned banks (Banco Ciudad, Banco Nación and Banco Provincia) offer loans for the acquisition, renovation, improvement, extension and financing of permanent and non-permanent housing.[41]

214. As regards the improvement of existing housing units, the Office of the Under-Secretary for Urban Development and Housing operates three microcredit lines, for a maximum amount of 15,000 pesos, aimed at formal- or informal-sector workers whose incomes are less than twice the adjustable living minimum wage (SMVM), and who are not

[41] The details of each type of loan are provided at: http://www.ministerio.gov.ar/vivienda/creditos-hipotecarios.php.

eligible for loans with formal banks. This microcredit programme is already operational in the province of Córdoba.

219. The Regularize your Home ("Regularizá tu Casa") programme aims to bring about a reduction in the number of housing units without title deeds — put at over 650,000 — through the regularization of landownership, the mass issuance of title deeds and the granting of subsidies for various services (property measurement, land surveying, preparation of floor plans, titling, etc.).

220. The Argentine Bicentennial Single-Family Housing Credit Programme (PRO.CRE.AR), launched in June 2012, was modified in 2016 to facilitate access to housing solutions tailored to the needs of families.[62]

221. Various public agencies participate in this coordinated programme, including the National Social Security Administration, the State Property Administration Agency, the Ministry of the Interior, Public Works and Housing and the Ministry of Treasury and Public Finance.

222. PRO.CRE.AR offers loans to provide access to a new or used single-family dwelling with a value of up to 1.5 million pesos. It is aimed at families with a formal income of between two and four times the minimum wage (15,120 to 30,240 pesos at September 2016). Loans are granted in accordance with a transparent scoring system that gives priority to the most needy families in terms of socioeconomic status, the vulnerability of the area in which they live, and the number of dependent children or persons with disabilities in the household, among other factors. The programme offers an average subsidy of 200,000 pesos per family, providing a solution that will enable 25,000 families to become homeowners.

223. One important new option is PRO.CRE.AR's Own Home Solution ("Solución Casa Propia") credit line, which combines mortgage loans, household savings and a State subsidy as part of a cooperation scheme between the public and private sectors. This innovation assists beneficiaries in the purchase of a new or used dwelling by providing affordable loans with low initial payments and terms of up to 20 years for those who are currently renting and who wish to own a home in any part of the country. Own Home Solution is a new loan option that provides an alternative to existing credit lines and promotes the acquisition of housing units from one of over 70 urban projects developed by PRO.CRE.AR and the generation of serviced plots for home-building in cities across the country.[63]

224. The scoring system assesses applicant families using criteria such as the number of children, whether any have disabilities, household income, and current residence, and is able to verify the applicant's vulnerability on the basis of those data.[64] The National Social Security Administration establishes the order of priority for access to loans at soft interest rates, in accordance with the different variables.

225. PRO.CRE.AR Urban Developments ("Desarrollos Urbanísticos") is an option for the purchase of a brand new first home in one of the 70 urban developments that are under construction around the country. Families can access affordable mortgages with low payments and 20- or 30-year terms in order to purchase houses and duplexes or one-, two- and three-bedroom apartments with infrastructure services. More than 23,000 housing units are under construction in urban developments located on land ceded by national, provincial and municipal authorities throughout the country. These developments tend to prioritize

[62] For more information, see http://www.procrear.anses.gob.ar/programa.

[63] Decree No. 902/12 established the Argentine Bicentennial Single-Family Housing Credit Programme (PRO.CRE.AR) as a trust fund, set up with public resources, in order to further comprehensive access to permanent single-family homes through the development of urban projects and the awarding of loans for the purchase and/or construction of housing. Considering that historically the Banco Hipotecario Nacional (National Mortgage Bank) was the State's main tool for promoting and facilitating access to housing by different social strata, it was decided to entrust the administration of the trust fund to its successor, Banco Hipotecario S.A., for the purposes set forth in the Decree.

[64] http://www.telam.com.ar/notas/201607/156375-plan-procrear-uba.html.

location and integration in the urban fabric of the city, as well as the functionality of the housing units.

222. PRO.CRE.AR also offers a credit line intended for the construction, extension, completion and renovation of housing on the beneficiary's own land, and aims to promote the creation of serviced plots which are then offered for sale to families selected to receive loans under a system of regular lotteries.

UVI system

223. In addition to the PRO.CRE.AR programme, in 2016 the Central Bank of Argentina promoted a new savings and lending scheme known as the "Housing Unit" (Unidades de Vivienda — UVI) system. In this way, mortgage loans are provided for the purchase, construction or renovation of middle-class homes, with the capital adjusted for inflation.

224. One advantage of this scheme is that payments are more affordable than under a traditional loan arrangement. In traditional loans with fixed instalments, the initial repayments have to be very high to compensate for the fact that inflation erodes the value of subsequent instalments, which hampers access to credit.

225. In an initial phase, various public and private financial institutions have undertaken to launch these new loans.

226. Moreover, with identical goals of promoting investment in housing, reducing the structural housing deficit and stimulating long-term savings in the national currency, Act No. 27.271 established the savings system known as "Casa de Ahorro" and created savings bank deposits called UVIs.[65] Both the savings unit created by the Central Bank of Argentina (UVA) and the UVI created under Act No. 27.271 are updated using the Reference Stabilization Coefficient published by the National Institute of Statistics and Censuses.

Forced evictions in indigenous communities

227. The National Institute of Indigenous Affairs (INAI) has implemented community legal services[66] to assist indigenous communities and to strengthen community organization and common strategies of defence.

228. In several provinces, these legal services helped prevent a significant number of evictions.[67] Annex 8 contains a list of court cases and other disputes concerning evictions, in which professionals from the legal services established with the support of INAI were involved.[68]

229. INAI places emphasis on protecting and promoting indigenous and peasant communities' access to rights, including their land rights, in coordination with provincial agencies, the Indigenous Participation Council and territorial organizations.

Belgrano Plan

230. The Belgrano Plan Unit was created within the Executive Office of the Cabinet of Ministers as part of an interministerial programme that seeks to reduce inequality between the northern region (provinces of Catamarca, Chaco, Corrientes, Formosa, Jujuy, La Rioja, Misiones, Salta, Santiago del Estero and Tucumán) and the rest of the country, linking the competent areas of government and developing and implementing social, productive and infrastructure policies.

231. The Belgrano Plan Unit was set up to coordinate national government activities in the provinces of northwest and northeast Argentina. The Plan was a novel initiative that recognized the situation of the poorest regions and the need to improve living standards and social and economic development in the north, not only through a remedial approach, but also by ensuring equal opportunities for all inhabitants.

[65] Published in the *Boletín Oficial* of 5 September 2016.
[66] Community Strengthening Programme.
[67] See the response to the paragraph 9 of the previous concluding observations.
[68] *Gestión Territorial — Desalojos y Servicios Jurídicos, 2016.*

232. The Belgrano Plan focuses on road, rail and commercial airline infrastructure to achieve productive integration within the north, between it, the centre and the ports, and with neighbouring countries, thereby enhancing connectivity and ending the isolation of small settlements. Proposals in that regard include reactivating the Belgrano, Mitre and Urquiza railway lines to boost the integration of regional producers, improving airports, stimulating regional economies and positioning tourism as a driving force of the economy.

233. To make regional economies more competitive, the Government aims to lessen the current impact of freight on production costs by investing an initial US$ 2.4 billion in the recovery of the Belgrano Cargas freight railway network, and US$ 600 million to triple the operating capacity of runways at Tucumán airport so as to increase cargoes from 30 to 100 tons and make it a leading hub for the export of fresh fruit.

Paragraph 22

234. The National Sexual Health and Responsible Procreation Programme, which is overseen by the Ministry of Health, was established by Act No. 25.673 in 2002 to promote equal rights, equity and social justice and to improve opportunities for access to comprehensive sexual and reproductive health care. Under the Programme, all provinces and the Autonomous City of Buenos Aires were encouraged to comply with the Act, implementing it throughout the country, with focal points for the Programme in each province.

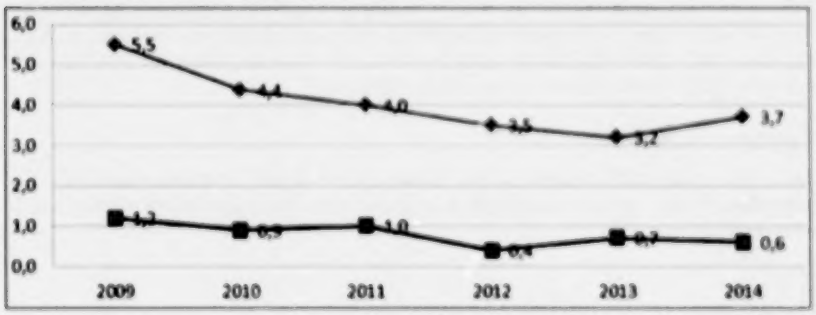
235. The sexual health hotline (0800 222 3444) provides timely, individual care for members of the public and facilitates their access to sexual and reproductive health services across the country. The hotline offers information on: contraceptive methods; the rights of adolescents; the legal framework with regard to sexual and reproductive health; the obligations of social insurance schemes and other health insurance providers; sexual violence and child molestation; pre- and post-abortion situations; legal abortion; cervical cancer and breast cancer; sexual dysfunction; sexuality among older persons; and sexual diversity.

236. The hotline can be used to lodge complaints and initiate follow-up of the case.

Maternal mortality rate

237. The maternal mortality rate fell from 5.5 maternal deaths per 10,000 live births in 2009 to 3.7 in 2014. Provincial disparities with respect to the maternal mortality rate for the same period also decreased, as demonstrated by the Gini coefficient, which fell from 0.265 in 2009 to 0.233 in 2013. The maternal mortality rate in the case of pregnancies terminated by abortion dropped from 1.2 to 0.6 maternal deaths per 10,000 live births, as shown in the following chart.

Maternal mortality rate and maternal mortality rate in the case of pregnancies terminated by abortion. Argentina. 2009-2014.



Source: Health Statistics and Information Directorate, Ministry of Health.

238. The following chart shows the decrease in the proportion of maternal deaths resulting from abortion compared to other causes: the percentage of deaths due to abortion fell from 21.2 per cent in 2009 to 14.8 per cent in 2014.

Causes of maternal deaths in percentage terms
Country total, 2009-2014.

Source: Health Statistics and Information Directorate, Ministry of Health.

239. As of 2009, the Ministry of Health, certain health regions of the province of Buenos Aires and other priority districts signed the Operating Plan to Reduce Maternal and Infant Mortality among Women and Teenage Girls.[69] The districts involved in the Operating Plan were those with the highest absolute number of maternal and infant deaths.[70]

240. The above was the result of training for professionals on handling obstetric emergencies, the reorganization of obstetric services, the quality of antenatal checks, and safe and respectful deliveries. Other strategies included an increase in the range of contraceptives available at the level of primary health care, raising awareness among and providing training for health teams, and comprehensive sexual and reproductive health counselling.

241. Given that one of the main causes associated with maternal death is the abortion of unplanned pregnancies, the Government has taken steps to guarantee the right of women to make family planning decisions, to improve the range and availability of contraceptives, and to ensure the provision of appropriate gynaecological care, together with advice and effective access to contraception after an abortion, to avoid repeat occurrences.

Teenage pregnancy

242. The fertility rate among adolescents aged between 15 and 19 years old rose between 2009 and 2011, reaching 68.2 per cent in 2011. After decreasing to 65.6 per cent in 2012, it stood at 64.9 per cent in 2013 and 65.1 per cent in 2014.

243. Generally speaking, the distribution of teenage pregnancies is closely linked to the level of socioeconomic development and reflects major disparities. For example, in 2014, the adolescent fertility rate in the Autonomous City of Buenos Aires was 29.6 per cent, compared with 99.4 per cent in the province of Misiones.

Contraceptive methods

244. Free nationwide access to a wide range of contraceptive methods (see table 1) is guaranteed for men and women of reproductive age without social insurance or other health insurance coverage.

[69] http://www.msal.gob.ar/images/stories/banners/gestion_sanitaria_2009-2015/informe-gestion-2009-2015.pdf. See Operating Plan to Reduce Maternal and Infant Mortality among Women and Teenage Girls.

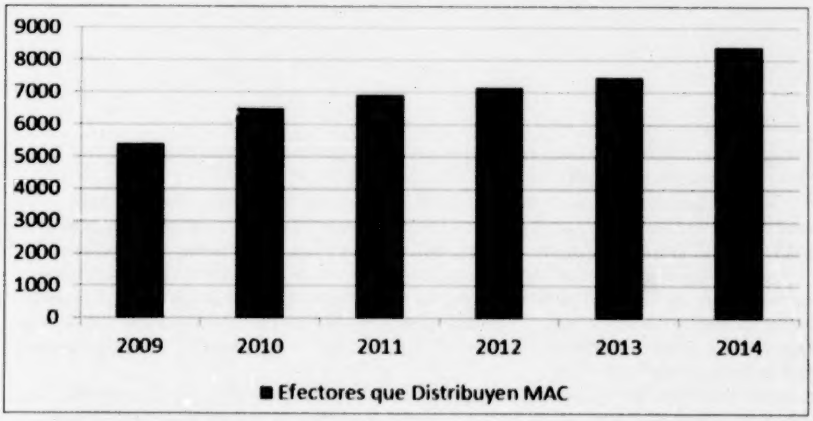
[70] Ibid.

245. In 2014, the provinces reported the existence of 8,698 health facilities (hospitals and health centres), of which 8,426, or 96.8 per cent, were able to provide contraceptive methods,[71] compared with around 5,400 in 2009 (see chart below).

Table 1

Heading	*Subheading*	*Input Description*
Contraceptive methods	Hormonal contraceptives	Injectable combined hormonal contraceptive (monthly)
		Injectable progestogen-only hormonal contraceptive (quarterly)
		Oral combined hormonal contraceptive with levonorgestrel
		Levonorgestrel hormonal contraceptive for the breastfeeding period
		Emergency hormonal contraceptive (levonorgestrel 1.5 mg)
		Oral combined hormonal contraceptive with gestodene
		Desogestrel hormonal contraceptive, progestogen only
	Barrier contraceptives	Latex male condoms
	Long-acting contraceptives	Hormonal intrauterine device
		Intrauterine system
		Subdermal contraceptive implant
		Copper T-shaped intrauterine device
		Multiload intrauterine device
		Facilities that distribute contraceptive methods

Facilities that distribute contraceptive methods



Source: Management report 2014, monitoring and evaluation section of the National Sexual Health and Responsible Procreation Programme

[71] Annual management report 2014, National Sexual Health and Responsible Procreation Programme.

Current legal framework for non-punishable abortion

246. In 2015, the National Sexual Health and Responsible Procreation Programme published a protocol on comprehensive care for persons with the right to legal abortion,[72] which was a revised version of the technical guide for comprehensive legal abortion services, drawn up in 2010.

247. The protocol promotes, throughout the country, the right of women, girls, adolescents and all persons capable of pregnancy to undergo a legal abortion on any of the grounds set forth in Argentine law.[73] The abortion must be carried out in line with certain standards, in terms of quality, accessibility, confidentiality, technical skill, the range of options available and the use of up-to-date scientific information.

248. Comprehensive post-abortion care, which is essential to reduce the maternal mortality rate, consists of three key components: (a) emergency treatment using the technique of manual vacuum aspiration; (b) reproductive health counselling; and (c) referral to responsible post-abortion procreation services.

249. The National Sexual Health and Responsible Procreation Programme has drawn up a guide on comprehensive care for women who undergo an abortion,[74] which is a tool to help to reduce maternal morbidity and mortality and improve the quality of care with due regard for sexual and reproductive rights. This guide must be followed by the health teams that handle this type of consultation, such as hospital gynaecology and obstetrics departments, primary health-care centres, and so on.

Legal abortion bill

250. On 29 June 2016, a bill was submitted to the Chamber of Deputies, backed by deputies from various political groups (including Frente para la Victoria, Unión Cívica Radical, Movimiento Libres del Sur, Partido Socialista, Propuesta Republicana, Una Nación Avanzada and Frente de Izquierda y de los Trabajadores) and supported by 350 social organizations across the country.

251. The proposal would guarantee the right to abortion during the first 14 weeks of pregnancy, without the need to provide justification, and after 14 weeks in the case of rape, risk to the woman's life or physical or psychosocial health, or serious foetal malformations.

252. The initiative is founded on the progress made towards the social decriminalization of abortion in the nine years that have passed since the abortion bill was first submitted and the clarification provided by the Supreme Court in its ruling on the case *F., A.L. on an emergency order of protection* of 13 March 2012, regarding the scope of legal abortion under article 86 of the Criminal Code.

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[72] Available from http://www.msal.gob.ar/images/stories/bes/graficos/0000000690cnt-Protocolo%20ILE%20Web.pdf.

[73] Art. 86 of the Criminal Code — Doctors, surgeons, midwives and pharmacists who abuse their science or art to cause, or help to cause, an abortion shall incur the penalties set forth in the previous article and shall also be liable to specific disqualification for a time period lasting twice the length of the sentence. An abortion carried out by a qualified doctor with the consent of the pregnant woman shall not be punishable: (1) If performed to avoid a risk to the mother's life or health and if this risk cannot be avoided by other means; (2) If the pregnancy results from the rape or indecent assault of a woman with a mental or intellectual impairment. In such cases, the consent of her legal representative must be obtained for the abortion.

[74] Available from http://www.msal.gob.ar/images/stories/bes/graficos/0000000695cnt-0000000587cnt-Guia-para-la-atencion-integral-de-mujeres-que-cursan-un-aborto.pdf. The guide was published in 2015 and is based on the guide for the improvement of post-abortion care published by the National Directorate of and Child Health of the Ministry of Health in August 2005 (second and third editions published in September 2007 and December 2009). This guide was approved by Ministerial Decision No. 989 of 9 August 2005 under the National Programme to Guarantee Quality Medical Care, implemented by Decision No. 1459 of 1 June 1993 of the Ministry of Health and Social Welfare.

National law on assisted reproduction

253. Act No. 26.862/2013 on assisted reproduction addresses the needs of persons wishing to become parents but unable to conceive naturally. It establishes that all adults have the right to assisted reproduction services, free of charge, without distinction or exclusion on the basis of sexual orientation or civil status.

254. The public health sector, regulated social insurance schemes and other social security entities are obliged to provide full coverage of assisted reproduction techniques.

255. The guaranteed coverage is based on the criteria established by the World Health Organization (WHO) and on a comprehensive, interdisciplinary approach to the methods, diagnosis, medicines, support therapies and high- and low-complexity techniques of assisted reproduction.

Paragraph 23

256. Although the WHO Framework Convention on Tobacco Control has not been ratified by Argentina, in 2011, Act No. 26.687 on the regulation of the advertising, promotion and consumption of tobacco products was passed; it is governed by Decree No. 602/2013 and takes into account the bans and restrictions established by the Framework Convention.

257. The main features of the Act include:

1. A ban on smoking in all enclosed spaces for public or private use, including casinos and bingo halls, nightclubs, bars and restaurants, theatres, museums and libraries, public transport and indoor stadiums. Smoking in public and private workplaces is expressly prohibited. The only exceptions to the ban are outdoor areas of sites that are open to the public, excluding schools and health facilities, where smoking in courtyards is not allowed.

2. A ban on advertising, promoting and sponsoring cigarettes or tobacco products in the media and in public spaces.

3. The inclusion of health warnings with images (such as "Smoking causes impotence", "Smoking causes cancer" and "Smoking reduces life expectancy") and the number of the free hotline run by the Ministry of Health for those wishing to quit smoking (0800 222 1002) on cigarette packets.

4. A ban on the sale of tobacco products to persons under 18 years old.

5. A ban on the sale of cigarettes in educational establishments, hospitals, public buildings, means of transport and public entertainment venues, such as theatres, cinemas and sports stadiums.

258. In 2014, the Ministry of Health approved the general framework for the investigation and processing of complaints of violations of the Act. In addition, Decree No. 626/2016 provided for an increase in domestic taxes on cigarettes from 60 to 75 per cent.

259. According to data from the National Tobacco Control Programme, tobacco consumption among young persons fell from 24.5 per cent in 2007 to 19.6 per cent in 2012 (30,000 fewer smokers); among women, meanwhile, tobacco consumption fell from 22.4 to 20.9 per cent between 2009 and 2013, according to the findings of the National Risk Factor Survey.

Paragraph 24

260. In February 2016, the Ministers of Education of the provinces and the Autonomous City of Buenos Aires and the national Minister of Education and Sport signed the Purmamarcafetal Declaration, taking on a set of commitments, including: (a) To promote education as a public good and a personal and social right; (b) To maintain investment in education at 6 per cent of the gross domestic product; (c) To progress towards introducing

compulsory education from the age of 3 years; (d) To improve learning at the primary school level; (e) To gradually introduce an extended schoolday; (f) To ensure that children enter, remain in and graduate from secondary schools; (g) To promote annual evaluation processes and the creation of the Institute for the Evaluation of Quality and Equity in Education; (h) To improve in-service training of teachers.

261. In order to continue addressing the challenges that remain with regard to universal access to compulsory education and the reduction of illiteracy, course repetition and school dropout, the Ministry of Education and Sport is launching various policies and programmes.

262. In May 2016, the national executive branch submitted a bill declaring school compulsory from the age of 3 years. It is currently compulsory for children aged 4 and 5 years (Act No. 27.045).

263. The following tables contain information on school attendance:

School attendance of children aged 3 years, by administrative district

	Children aged 3 years			
Administrative district	*Total population*	*Population enrolled in school*	*Population not enrolled in school*	*Attendance in %*
Country total	**655 556**	**351 972**	**303 584**	**53.69%**
City of Buenos Aires	31 624	26 673	4 951	84.34%
Buenos Aires	255 547	177 407	78 140	69.42%
Catamarca	6 463	2 543	3 920	39.35%
Córdoba	50 796	26 584	24 212	52.33%
Corrientes	16 998	5 256	11 742	30.92%
Chaco	19 065	5 114	13 951	26.82%
Chubut	8 875	4 327	4 548	48.75%
Entre Ríos	19 811	8 779	11 032	44.31%
Formosa	9 824	2 329	7 495	23.71%
Jujuy	11 831	4 824	7 007	40.77%
La Pampa	5 164	1 471	3 693	28.49%
La Rioja	5 908	2 769	3 139	46.87%
Mendoza	30 075	11 138	18 937	37.03%
Misiones	22 009	4 731	17 278	21.50%
Neuquén	9 562	3 571	5 991	37.35%
Río Negro	10 529	5 111	5 418	48.54%
Salta	23 368	6 751	16 617	28.89%
San Juan	13 247	3 661	9 586	27.64%
San Luis	7 672	3 001	4 671	39.12%
Santa Cruz	5 209	2 685	2 524	51.55%
Santa Fe	47 869	28 075	19 794	58.65%
Santiago del Estero	16 565	6 796	9 769	41.03%
Tucumán	25 283	6 987	18 296	27.64%
Tierra del Fuego	2 262	1 389	873	61.41%

School attendance of children aged 4 years, by administrative district

	Children aged 4 years			
Administrative district	*Total population*	*Population enrolled in school*	*Population not enrolled in school*	*Attendance in %*
Country total	**664 278**	**541 486**	**122 792**	**81.51%**
City of Buenos	31 982	30 206	1 776	94.45%
Buenos Aires	258 059	224 740	33 319	87.09%
Catamarca	6 607	5 195	1 412	78.63%
Córdoba	52 174	47 254	4 920	90.57%
Corrientes	17 883	11 912	5 971	66.61%
Chaco	19 860	12 143	7 717	61.14%
Chubut	8 741	7 372	1 369	84.34%
Entre Rios	20 308	15 966	4 342	78.62%
Formosa	9 868	5 970	3 898	60.50%
Jujuy	12 069	9 414	2 655	78.00%
La Pampa	5 122	3 173	1 949	61.95%
La Rioja	6 055	5 228	827	86.34%
Mendoza	30 216	24 152	6 064	79.93%
Misiones	21 619	13 263	8 356	61.35%
Neuquén	9 666	7 080	2 586	73.25%
Rio Negro	10 593	8 867	1 726	83.71%
Salta	23 826	16 139	7 687	67.74%
San Juan	13 544	9 125	4 419	67.37%
San Luis	7 884	6 538	1 346	82.93%
Santa Cruz	5 391	4 964	427	92.08%
Santa Fe	47 682	41 729	5 953	87.52%
Santiago del Estero	17 043	13 406	3 637	78.66%
Tucumán	25 760	15 470	10 290	60.05%
Tierra del Fuego	2 326	2 180	146	93.72%

School attendance of children aged 5 years, by administrative district

	Children aged 5 years			
Administrative district	*Total population*	*Population enrolled in school*	*Population not enrolled in school*	*Attendance in %*
Country total	**675 277**	**650 077**	**25 200**	**96.3%**
City of Buenos	32 003	31 345	658	97.9%
Buenos Aires	260 538	248 841	11 697	95.5%
Catamarca	6 865	6 615	250	96.4%
Córdoba	52 714	51 724	990	98.1%
Corrientes	18 885	17 999	886	95.3%
Chaco	20 871	19 246	1 625	92.2%
Chubut	8 756	8 601	155	98.2%
Entre Rios	21 168	20 721	447	97.9%
Formosa	10 554	10 064	490	95.4%
Jujuy	12 632	12 336	296	97.7%

Administrative district	*Children aged 5 years*			
	Total population	*Population enrolled in school*	*Population not enrolled in school*	*Attendance in %*
La Pampa	5 272	5 102	170	96.8%
La Rioja	6 178	6 048	130	97.9%
Mendoza	29 543	28 914	629	97.9%
Misiones	22 425	20 914	1 511	93.3%
Neuquén	9 133	8 870	263	97.1%
Río Negro	10 524	10 273	251	97.6%
Salta	24 708	23 919	789	96.8%
San Juan	13 653	13 236	417	96.9%
San Luis	7 719	7 494	225	97.1%
Santa Cruz	5 213	5 108	105	98.0%
Santa Fe	49 246	48 047	1 199	97.6%
Santiago del Estero	18 130	16 965	1 165	93.6%
Tucumán	26 248	25 418	830	96.8%
Tierra del Fuego	2 299	2 277	22	99.0%

Source: Prepared using the 2010 national population census, on the basis of age on 30 June.

Note: The data concerns the population living in private homes. The population enrolled in school corresponds to the category "Currently attends" in the 2010 national population census, while the population not enrolled in school covers both the "No longer attends" and "Never attended" categories. Age is the only factor taken into account and there is no information on the levels at which individuals are enrolled. Date: 28 May 2014. Information management and training

264. In September 2016, the National Strategic Plan 2016-2021 "Argentina Teaches and Learns", contained in annex 9, was presented.[75] Its aim is to ensure that the country offers quality education focused on learning, which provides "all children, adolescents, young persons and adults with socially relevant knowledge and skills enabling their full development in conditions of equality and respect for diversity".

265. The Plan sets out the main themes of national education policy, which are as follows:

1. Learning essential knowledge and skills;
2. Teacher training, professional development and quality teaching;
3. Planning and education management;
4. An integrated educational community.

266. It also sets out cross-cutting themes:

1. Innovation and technology;
2. Related policies;
3. Evaluation and information.

267. The Plan covers all levels and types of education established in Act No. 26.206 on national education, Act No. 26.058 on technical and vocational education and Act No. 24.521 on higher education. Priority educational objectives for the period up to 2021 and goals for 2018 and 2021 were agreed upon with the provinces and the Autonomous City of Buenos Aires.

[75] Annex 9, National Strategic Plan 2016-2021 "Argentina Teaches and Learns".

Bilingual intercultural education[76]

268. A process of reparation is under way with respect to the rights and needs of indigenous peoples and Education Act No. 26.206 of 2006, which recognized bilingual intercultural education as a branch of education, marked an important step forward in that regard.

269. Under the Act, at the levels of initial, primary and secondary education, all indigenous peoples residing in national territory must be guaranteed access to an education that helps to preserve their ethnic identity, language, world view and culture. The State thus promotes the development of educational models and practices that serve this purpose.

270. The Coordination Office for Bilingual Intercultural Education promotes intercultural dialogue and respect between communities with cultural and linguistic differences.

271. The following data is taken from the 2014 annual survey:

Education establishments with indigenous enrolment

Level	*Number of establishments*
Initial	1 737
Primary	1 537
Secondary	902
Total	**3 216**

Teaching posts

Level	*Indigenous language teacher*	*Indigenous language teaching assistant*
Initial	154	103
Primary	490	389
Secondary	74	49
Total	**718**	**541**

Total number of indigenous students in establishments with indigenous enrolment of at least 50 per cent

Level	*Area*	*Indigenous students*
Initial	Rural	8 349
Primary	Rural	32 380
Secondary	Rural	9 893
Total		**50 622**

Level	*Area*	*Indigenous students*
Initial	Urban	15 030
Primary	Urban	11 784
Secondary	Urban	3 020
Total		**30 834**

[76] Under Federal Education Council Decision No. N1119/2010, the Autonomous Education Council of Indigenous Peoples is recognized as fulfilling a consultative and advisory role with respect to the Ministry of Education.

272. The Directorate for the Development of Indigenous Communities and the National Institute of Indigenous Affairs, together with the Ministry of Education and Sport, promote intercultural education through the Intercultural Facilitators Programme[77] and the Social, Educational and Bilingual Intercultural Promoters Programme.

Paragraph 25

273. Argentina ratified the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) through Act No. 24.071, and the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on Biological Diversity through Act No. 24.375, recognizing the role of indigenous peoples and their communities in preserving and managing the biodiversity of their lands and territories.

274. Act No. 27.246, enacted on 23 December 2015, approved the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity, which was adopted in Nagoya, Japan in 2010. The Act states that "access to genetic resources helps to ensure the sharing of benefits" and that "access to the traditional knowledge of indigenous and local communities, when that knowledge relates to genetic resources, strengthens the capacity of those communities to benefit from the use of their knowledge, innovation and practices".[78]

275. The property of individual territories includes genetic resources; information; practices; beliefs; philosophical ideas; memory and culture; language; art; music; dance; ceremonies; symbols; agricultural, technical and ecological practices and knowledge; spirituality; and sacred sites. Current indigenous law establishes indigenous peoples' right of participation, consultation and free, prior and informed consent, as a basis for the protection of their collective rights.

276. Regarding the protection of cultural heritage, pursuant to Act No. 25.517,[79] the National Institute of Indigenous Affairs approved the National Programme for the Identification and Return of Indigenous Human Remains,[80] which establishes guidelines for the return of such remains.

277. This Programme includes the creation and management of a register for the identification and return of indigenous human remains, with information on museums where such remains are kept and a database that is continually updated. The National Institute of Indigenous Affairs keeps a record of the applications for return that have been received since 2012 and their processing.

Paragraph 26

278. The Ministry of Science, Technology and Productive Innovation was established in December 2007 to promote the development of a new model of science- and technology-related productive innovation that would improve citizens' quality of life and help them to benefit from scientific progress.

279. Technological progress is providing the means to tackle challenges linked to population growth, pressure on natural resources and the availability of renewable and sustainable energy sources. Between 2003 and 2016, the National Science, Technology and Innovation System grew by around 90 per cent in terms of the number of researchers and grant holders. Infrastructure and equipment is more widely available and there is growing involvement in technology transfer to needs-related projects.

[77] Decision No. 241/15.

[78] Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity, signed by Argentina on 15 November 2011.

[79] Regulation on indigenous remains, passed in December 2001.

[80] Decision No. 360, file No. E-INAI-50162-2012.

280. With the Science and Technology Hub, the National Scientific and Technical Research Council (CONICET), the C3 Science Centre, TECtv television channel and the Science Park, a total area of 47,102 m² is dedicated to managing, generating and spreading scientific knowledge.

281. The National Science, Technology and Productive Innovation Plan "Innovative Argentina 2020" sets out a science, technology and innovation policy, with a focus on strategic fields and sectors. The aim is to promote productive and sustainable innovation based on the development and full exploitation of technological and scientific capacities. The Plan proposes two strategies: (1) Institutional development of the National Science, Technology and Innovation System; and (2) Targeting.

282. Federalization policies have led to the building of new infrastructure across the country, the creation of new CONICET research and transfer centres, the inclusion of trainee professionals and doctors in projects based in recently established universities, and the granting of financing for projects intended to increase research, production and technology capacities throughout the country, gradually reducing inequalities.

283. The National Agency for the Promotion of Science and Technology has provided financing through four funds (the Argentine Technology Fund (FONTAR), the Scientific and Technological Research Fund (FONCYT), the Argentine Sectoral Fund (FONARSEC), and the Trust Fund to Promote the Software Industry (FONSOFT)) for projects seeking to improve social, economic and cultural conditions in the country. This includes supporting the creation of technology-based companies, promoting an increase in the number of small- and medium-sized enterprises and collaborating with the private sector to support business ventures that aim to improve infrastructure in the fields of energy, health, environmental protection and biodiversity.

284. Between 2008 and 2016, the National Agency for the Promotion of Science and Technology financed over 4,500 innovation, modernization and technological development projects and promoted more than 120 innovation and technological development projects addressing priority sector needs relating to social and productive development.

285. In terms of outreach, five Tecnópolis exhibitions have been held, attracting approximately 22 million visitors; 11 INNOVAR competitions have been held, during which 22,615 projects were presented; and the television channel TECtv, which focuses entirely on scientific content, has been launched.

Improvements in quality of life thanks to scientific and technological advances

286. Examples include:

287. Health: diagnosis of bacterial diarrhoea and Chagas disease; biotechnology for human health; improvements for patients of public hospitals; research into rare diseases; environmental risk map for dengue fever in 2016; technological platform for the production of monoclonal antibodies to treat cancer and paradigm shifts in cancer treatment.

288. Food: development of seeds that are resistant to salt and water stress; approval for the marketing of drought-resistant soybeans and potatoes that are resistant to potato virus Y.

289. Satellites: production and launch of the satellites SAC-D Aquarius and ARSAT-1, and two nanosatellites, Capitán Beto and Manolito. Their scientific applications include monitoring the climate and the atmosphere, testing new technologies such as sensors, and biological research (metabolic reactions, new medicines).

290. Environment: the National Programme on Science, Technology and Innovation for Sustainable Development is charged with promoting activities that address sustainable development issues, health and environmental research, and scientific developments that could solve specific problems. The Federal Emergency System is a body that is composed of representatives of various government departments and is responsible for the early detection of natural phenomena and disasters that entail an environmental risk. The National Programme for Research and Productive Innovation in Argentine Maritime Areas promotes technological innovation that can be applied to the sustainable exploitation of natural resources and the development of sea-related industries.

291. With regard to international cooperation, it is worth mentioning the implementation of the Nanopymes Project, the first MERCOSUR biotechnology platform; cooperation with the European Research Council; invitations to promote scientific mobility; the signing of an agreement on a platform for nanotechnology applied to health, between Argentina, Brazil, Cuba and Mexico; the Max Planck Society partner institute in Latin America, based at the Science and Technology Hub; and Argentina's participation in the European Molecular Biology Laboratory.

292. Since the submission of the last report, 164 intergovernmental and inter-institutional agreements have been signed; bilateral cooperation has been maintained with 70 countries; 1,287 research projects have been carried out; 4,481 Argentine and foreign senior researchers have enjoyed mobility; and 5 physical and 24 virtual research centres have been set up.

293. Other progress that is worth mentioning includes the Network of Argentine Researchers and Scientists Abroad (RAICES) Programme, which seeks to strengthen national capacities in the field of science and technology by encouraging researchers to remain in or return to Argentina (to date, 1,295 scientists have returned); and the Pampa Azul initiative, which aims to promote scientific research in the Argentine Sea and deepen scientific knowledge for the purposes of conservation policy and the management of natural resources.